



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials
Safety Administration**

Office of
Chief Counsel

400 Seventh Street, S.W., Room 8417
Washington, D.C. 20590-0001
Phone: (202)366-6139
Fax: (202) 366-7041
E-mail: tom.seymour@dot.gov

***Hazardous Materials Safety
Law Division***

PHMSA-2006-24460-1

NOTICE OF PROBABLE VIOLATION

PHMSA Case No. 06-0047-SD-EA Date Issued: APR 10 2006

Docket No. PHMSA-2006-24460

Respondent: Power Line Packaging, Inc.
1304 Conshohocken Road
Conshohocken, PA 19428
Attn: Melissa Johannigsmeier, President

No. of Alleged Violations: 6

Maximum Possible Assessment: \$300,000

Total Proposed Assessment: \$14,300

The Office of Chief Counsel of the Pipeline and Hazardous Materials Safety Administration (PHMSA) alleges that you (the Respondent named above) violated certain provisions of the Federal Hazardous Materials Transportation Law, 49 U.S.C. § 5101 et seq., and/or the Hazardous Materials Regulations (HMR), 49 C.F.R. Parts 171 - 180. PHMSA sets forth the specific allegations in Addendum A to this Notice.

What is the maximum and minimum civil penalty that PHMSA can assess? Federal law sets a civil penalty of not more than \$50,000 and a civil penalty of not less than \$250 for each violation of the Federal Hazardous Materials Transportation Law or the HMR (49 U.S.C. § 5123(a)(1)). Furthermore, if a person's violation of the HMR "results in death, serious illness, or severe injury . . . or substantial destruction of property" the maximum civil penalty is \$100,000 (49 U.S.C. § 5123(a)(2)); and if the violation concerns training the minimum civil penalty is \$450 (49 U.S.C. § 5123(a)(3)). Each day of a continuing violation constitutes a separate violation for which the maximum penalty may be imposed (49 U.S.C. § 5123(a)(4)).

What factors does PHMSA consider when proposing and assessing a civil penalty? Federal law requires PHMSA to consider certain factors when proposing and assessing a civil penalty for a violation of Federal Hazardous Materials Transportation Law or the HMR. Please refer to Addendum B to this Notice for more information concerning these factors.

When is my response due? You must respond within thirty (30) days from the date that you receive the Notice (49 C.F.R. § 107.313(a)). **PHMSA encourages you to submit your response by e-mail or fax** when possible. PHMSA may extend the 30-day period for your response if you ask for an extension, and show good cause, within the original 30-day period (49 C.F.R. §107.313(c)). Please contact the undersigned attorney if you have any questions.

What are my response options? You may respond to this Notice in any of three ways:

- (1) Admit the alleged violations and pay the proposed assessment (49 C.F.R. § 107.313(a)(1));
- (2) Send an informal response, which can include a request for an informal conference (49 C.F.R. § 107.313(a)(2)); or
- (3) Request a formal hearing (49 C.F.R. § 107.313(a)(3)).

PHMSA provides information on these options in Addendum B to this Notice and the Office of Chief Counsel's homepage (<http://rspa-atty.dot.gov>). PHMSA explains its procedures for assessing civil penalties and imposing compliance orders in 49 C.F.R. § 107.307 through 107.331.

What happens if I fail to respond? You waive your right to contest the allegations made in Addendum A to this Notice if you fail to respond within thirty (30) days of receiving it (or by the end of any extension). Also, the Chief Counsel may make a finding of fact consistent with the allegations in this Notice and assess an appropriate civil penalty if you fail to respond within the applicable time frame.



Thomas D. Seymour, Attorney

Phone: (202) 366-6139

tom.seymour@dot.gov

Enclosures: Addendum A
Addendum B
Addendum C
Case Exhibits

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

PHMSA Case No. 06-0047-SD-EA

SPECIFIC ALLEGATIONS

Probable Violation No. 1

Respondent offered a liquid hazardous material for transportation in commerce when the hazardous material was contained in a packaging that was not authorized for the transportation of liquid hazardous materials, in violation of 49 C.F.R. §§ 171.2(a), (b) & (e), 173.22(a)(2) and 173.203(a).

Factual Allegations/Averments

- A. By an undated shipping paper, Respondent offered a liquid hazardous material for transportation in commerce.
 - B. The liquid hazardous material was shipped to Respondent's facility under a shipping paper identifying it as a hazardous material.
 - C. Respondent's undated shipping paper failed to identify the material as a hazardous material.
 - D. According to the Material Safety Data Sheet, OTTOPOL BR 17 is a packing group II hazardous (flammable) material.
 - E. Respondent offered this hazardous material contained in drums marked and certified "UN1H2/Y130/S/03/USA/M4233."
- Please see Inspection/Investigation Report Number 05421078 at pages 2 and 3, and the exhibits accompanying this report, which exhibits are incorporated herein.

Probable Violation No. 2

Respondent offered a hazardous material for transportation in commerce when the accompanying shipping paper did not contain all required information and/or contained incorrect information, in violation of 49 C.F.R. §§ 171.2(a), (b) & (e), 172.200(a), 172.201(d), 172.204(d) and 172.602(a) & (b)

COUNT ONE

Factual Allegations/Averments

Probable Violation No. 2, Count One - Continued

- A. By an undated shipping paper, Respondent offered a liquid hazardous material for transportation in commerce.
- B. The liquid hazardous material was shipped to Respondent's facility under a shipping paper identifying it as a hazardous material.
- C. Respondent's undated shipping paper failed to identify the material as a hazardous material.
- D. According to the Material Safety Data Sheet, the material in question is OTTOPOL BR 17.
- E. OTTOPOL BR-17:
 - (1) has a flash point of 53 °F;
 - (2) is a packing group II flammable liquid; and
 - (3) is a mixture of several flammable products.
- F. Respondent prepared the undated shipping paper in order to reflect its shipment of OTTOPOL BR 17.
- G. This undated shipping paper accompanied the hazardous material while in transportation.
- H. The shipping paper failed to provide a shipping description and identified the material as "Skids, Drums, Veil Product."
- F. This shipping paper:
 - (1) Failed to provide a proper shipping description for the hazardous material;
 - (2) Failed to contain a unit of measure for the weight of the material offered;
 - (3) Failed to contain the required shipper's certification;
 - (4) Failed to provide an emergency Response telephone number; and
 - (5) Failed to identify the material as being a hazardous material.

COUNT TWO

Factual Allegations/Averments

- A. Respondent received from a supplier (ChemCentral) a shipment of chemicals, which included materials described as follows:
 - (1) Isobutanol, 3, UN 1212, PG III;
 - (2) Methyl Ethyl Keytone, 3, UN 1193, PG II; and
 - (3) N-Propanol, 3, UN 1274, PG III.

Probable Violation No. 2, Count Two - Continued

- B. On May 26, 2005 Respondent offered these materials for transportation in commerce by a private carrier (Volpe Express).
- C. On or about May 26, 2005, Respondent prepared a "memorandum," reflecting the offer of the hazardous materials described in paragraph A under this count.
- D. This shipment of hazardous materials was not accompanied by this memorandum, or any other shipping document.

COUNT THREE

Factual Allegations/Averments

- A. On November 11, 2005, Respondent offered a hazardous material a hazardous material – Adhesive, 3, UN 1133, PG II – for transportation in commerce.
- B. On or about November 11, 2005, Respondent prepared a shipping paper reflecting the materials transported in commerce.
- C. This shipping paper, which Respondent described as a "straight bill of lading," accompanied the hazardous materials while in transportation in commerce.
- D. This shipping paper:
- (1) Failed to provide a unit of measure for the weight provided therein; and
 - (2) Failed to provide an emergency response telephone numbered monitored by a person or an organization who had accepted the responsibility for, providing the detailed information concerning the subject hazardous materials.

- Please see Inspection/Investigation Report Number 05421078 at pages 4 and 5, and the exhibits accompanying this report, which exhibits are incorporated herein.

Probable Violation No. 3

Respondent offered hazardous materials for transportation in commerce when the packagings containing the hazardous materials were not marked with the proper shipping name and UN identification number, in violation of 49 C.F.R. §§ 171.2(a), (b) & (c), 172.300(a) and 172.301(a)(1).

Factual Allegations/Averments

- A. On or about October 20, 2004, Respondent offered a hazardous material for transportation in commerce.

Probable Violation No. 3 - Continued

- B. The shipping paper for reflecting this shipment of hazardous materials:
- (1) Was undated; and
 - (2) Identified the materials as "Veil Product."
- C. The Material Safety Data Sheet (MSDS) relative to the materials comprising this shipment identified the materials as a packing group II hazardous material.
- D. This hazardous material was contained in 55-gallon drums, which had a class 3 (flammable) hazard label attached thereto.
- E. The drums used during the transportation of this material were not marked with:
- (1) the proper shipping name for the material; and
 - (2) the UN identification number for the material.
- Please see Inspection/Investigation Report Number 05421078 at page 6, and the exhibits accompanying this report, which exhibits are incorporated herein.
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Probable Violation No. 4

Respondent allowed employees to perform functions subject to the HMR when these hazardous materials employees had not received the required hazardous materials testing and training, and when Respondent had not maintained the required records of Safety training, in violation of 49 C.F.R. §§ 171.2(a) & (b), 172.702(a), (b) & (d), 172.704(a)(1), (2) and (4) and 172.704(d).

Factual Allegations/Averments

- A. Respondent employs personnel who prepare hazardous materials for transportation in commerce; who load and unload hazardous materials from transport vehicles; who prepare hazardous materials shipping papers; and who perform other functions subject to the HMR.
- B. On or about all dates listed in under Probable Violations No. 1 through 4 above, and on diverse other dates, Respondent's employees performed these functions.
- C. Prior to the date of the PHMSA inspection, December 6, 2005, Respondent's employees had not received hazardous materials training and testing in the following areas:
- (1) General Awareness/Familiarization;
 - (2) Function-specific; and
 - (3) Security Awareness.
- D. Prior to the date of the PHMSA inspection, December 6, 2005, Respondent's employees had received hazardous Materials training and testing relative concerning Safety.

Probable Violation No. 4 - Continued

E. Respondent failed to create and maintain records of Safety training in the format required by the HMR.

- Please see Inspection/Investigation Report Number 05421078 at page 7, and the exhibits accompanying this report, which exhibits are incorporated herein.

Probable Violation No. 5

Respondent offered hazardous materials for transportation in quantities requiring the transport vehicle to display a placard when Respondent had not developed and implemented a security plan, in violation of 49 C.F.R. §§ 171.2(a) & (b), 172.800(b) and 172.802(a) & (b).

Factual Allegations/Averments

A. In this Probable Violation PHMSA asserts all factual allegations/averments listed above as if fully set forth herein.

B. On or about October 20, 2004, Respondent offered 8,000 pounds of the hazardous material, as described above and incorporated herein.

C. Prior to the date of PHMSA's inspection, December 6, 2005, Respondent had not developed and implemented a security plan.

- Please see Inspection/Investigation Report Number 05421078 at page 8, and the exhibits accompanying this report, which exhibits are incorporated herein.

Probable Violation No. 6

Respondent offered hazardous materials for transportation in quantities requiring the transport vehicle to display a placard when Respondent had not registered as a person who offers hazardous materials for transportation in commerce, in violation of 49 C.F.R. §§ 107.601(a) and 171.2(a), (b) & (d).

Factual Allegations/Averments

A. In this Probable Violation PHMSA asserts all factual allegations/averments listed above as if fully set forth herein.

B. On or about October 20, 2004, Respondent offered 8,000 pounds of the hazardous material, as described above and incorporated herein.

Probable Violation No. 6 - Continued

C. Prior to the date of PHMSA's inspection, December 6, 2005, Respondent had not registered as a person who offers hazardous materials in commerce.

- Please see Inspection/Investigation Report Number 05421078 at page 9, and the exhibits accompanying this report, which exhibits are incorporated herein.

**FACTS ALREADY CONSIDERED (UNDER 49 C.F.R. § 107.331) IN SETTING
PROPOSED PENALTIES**

Prior Violations of the Hazardous Materials Regulations:

PHMSA increases proposed penalties when Respondent has committed a prior violation of the Federal Hazardous Materials Transportation Law or the HMR within the last six years, as determined through a civil penalty case, criminal case, or ticketing process (49 C.F.R. § 107.331(d)). More specifically, "the general standards for increasing a baseline proposed penalty on the basis of prior violations are . . . (1) for each prior civil or criminal enforcement case –25% increase over pre-mitigation recommended penalty, and (2) for each prior ticket–10% increase over pre-mitigation recommended penalty" (49 C.F.R. Part 107, Subpart D, Appendix A, Section IV, E).

PHMSA's records do not contain any prior violations by Respondent and PHMSA did not consider any prior violations in determining the proposed assessment for the violation in this Notice.

Corrective Action:

An important purpose of PHMSA's enforcement program is to bring the regulated community into compliance with the Hazardous Materials Regulations, and to promote ongoing efforts by that community to maintain compliance. In determining the final penalty assessment, PHMSA considers documented evidence of actions taken by a Respondent to correct violations and ensure that they do not recur (49 C.F.R. § 107.331 (g)).

As of this date, Respondent has not provided PHMSA with any documentation of corrective action. Respondent is encouraged to provide information and documentation of the steps it has taken to correct the violations alleged below and to prevent future violations of the HMR.

Financial Status

Under 49 C.F.R. §107.331 (e) and (f), the proposed penalty may be reduced if Respondent demonstrates it is unable to pay that penalty, or if payment of the proposed penalty would affect Respondent's ability to continue in business. Respondent's poor financial condition may be a basis for reducing the proposed penalty; a healthy financial condition is *not* a basis for increasing the penalty.

PHMSA has no information to indicate Respondent is unable to pay the proposed penalty. If Respondent believes it lacks the ability to pay the proposed penalty or that the proposed penalty will affect Respondent's ability to continue in business, Respondent should submit a current balance sheet (certified if possible) or other evidence of its assets and liabilities.

TOTAL CIVIL PENALTY PROPOSED

Probable Violation	Maximum Possible Penalty	Baseline Penalty	Increase for Priors	Corrective Action	Proposed Penalty
1	\$50,000	\$5,000	\$ 0	\$ 0	\$5,000
2	\$50,000	\$3,000	\$ 0	\$ 0	\$3,000
3	\$50,000	\$750	\$ 0	\$ 0	\$ 750
4	\$50,000	\$1,550	\$ 0	\$ 0	\$1,550
5	\$50,000	\$3,000	\$ 0	\$ 0	\$3,000
6	\$50,000	\$1,000	\$ 0	\$ 0	\$1,000
TOTAL	\$300,000	\$14,300	\$ 0	\$ 0	\$14,300

DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

How do I respond to this Notice of Probable Violation (Notice)?

You may respond to this Notice in any of three ways:

- (1) Pay the proposed assessment (49 C.F.R. § 107.315);
- (2) Send an informal response, which can include a request for an informal conference (§ 107.317); or
- (3) Request a formal hearing (§ 107.319).

How do I pay the proposed assessment?

You pay the proposed assessment by:

- (1) Sending a wire transfer, through the Federal Reserve Communications System (Fedwire), to the U.S. Treasury account (49 C.F.R. § 89.21(b)(3). Addendum C contains the instructions for sending wire transfers. Questions concerning wire transfers should be directed to: Financial Operations Division (AMZ-300), ATTN: Shelley Willis, Federal Aviation Administration, Mike Monroney Aeronautical Center, P.O. Box 25082, Oklahoma City, OK 73125 (Telephone No. 405-954-8893).

Or

- (2) Sending a certified check or money order if the penalty amount is \$10,000 or less. The certified check or money order must be payable to the "U.S. Department of Transportation" and must be mailed to the Chief, Financial Operations Division, Attn: Shelley Willis, Federal Aviation Administration, Mike Monroney Aeronautical Center, AMZ-300, P.O. Box 25082, Oklahoma City, OK 73125.

Or

- (3) Using a credit card via the Internet. To pay electronically with a credit card, visit the following website address and follow the instructions:

<https://www.pay.gov/paygov/>

Where do I send my response?

You must address your informal response or formal hearing request to the attorney who issued the Notice at the following address:

Pipeline and Hazardous Materials Safety Administration
Office of the Chief Counsel (PHC-10)
Room 8417
U.S. Department of Transportation
400 Seventh Street, S.W.
Washington, D.C. 20590-0001

When is my response due? (§ 107.313)

You must respond to the Notice within thirty (30) days of the date you receive it. The attorney who issued the Notice may extend the 30-day period for your response if you ask for an extension, and show good cause, within the original 30-day period.

What happens if I do not respond? (§ 107.313)

If you fail to respond to the Notice within thirty (30) days of receiving it (or by the end of any extension), you will waive your right to contest the allegations made in Addendum A to the Notice. In addition, the Chief Counsel will issue a default Order finding the facts as alleged in the Notice and assessing the civil penalty as outlined within that notice.

May I propose a compromise offer? (§ 107.327)

Yes. At any time before an order is issued and referred to the Attorney General for collection, you may propose to compromise a civil penalty case by submitting a specific compromise offer amount to the attorney handling the case (§ 107.327). The Chief Counsel may also propose a compromise.

If a compromise is agreeable to all parties, the attorney handling the case will forward a compromise agreement to you for signature. This document will outline the terms of the joint agreement and you must return a signed original to the attorney handling the case within 30 days. After this agreement has been returned it will be signed by the assigned attorney and presented to the Chief Counsel with a request that the Chief Counsel adopt the terms of that agreement by issuing a Compromise Order (49 C.F.R. § 107.327(a)(1)). The terms of the agreement constitute an offer of compromise until accepted by the Chief Counsel. When you agree to a compromise, you give up your right to appeal the order issued by the Chief Counsel.

What should I include in my informal response? (107.317)

Your informal response must contain written explanations, information or arguments that respond to the allegation(s), the amount of the proposed civil penalty, or the terms of a proposed compliance order. Provide complete documentation of your explanations and arguments. No specific format is required for an informal response.

May I request an informal conference? (107.317)

Yes. You may request an informal conference as part of your informal response. Please describe the issues you want to discuss during the conference. After receiving your request, the attorney handling the case will contact you to arrange the conference. Normally the conference will be held by telephone, and the attorney handling the case and the inspector who conducted the compliance inspection will participate in the conference.

What happens after I submit an informal response to the Notice?

We will hold an informal conference if you have asked for one. Based on the Notice, the evidence supporting the Notice, any written explanations, information and documentation that you provide, and matters presented at a conference, the Chief Counsel decides the case. The Chief Counsel may issue an order finding all or some of the violation(s) alleged in the Notice or may withdraw all or some of the alleged violation(s). If the Chief Counsel finds violation(s), the order will assess a civil penalty.

How do I appeal an order? (§ 107.325)

You may appeal an order to PHMSA's Administrator.

How do I request a formal hearing? (§ 107.319)

You must request a formal hearing within 30 days of the date that you receive the Notice. If you are granted an extension of time to respond to the Notice, you must submit a formal hearing request by the end of the extended time period. If you do not request a formal hearing within the specified time, you will waive your right to a formal hearing.

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Your request for a formal administrative hearing must include the following:

- (1) The name and address of the respondent and any other person submitting the request;
- (2) A statement of which allegations of violations are not in dispute; and
- (3) A description of the issues that you will raise at the hearing. (The Administrative Law Judge will decide whether issues not raised in the request may be raised at the hearing.)

After receiving a request for a hearing that complies with these requirements, the Chief Counsel will request an Administrative Law Judge from the DOT Office of Hearings to preside over the hearing. Once an Administrative Law Judge is assigned, all further matters in the proceeding will be conducted by the Administrative Law Judge. Either you or PHMSA may appeal the decision of the Administrative Law Judge to PHMSA's Administrator.

How does PHMSA determine if I have committed a violation?

This is a civil penalty case and PHMSA uses the "knowingly" standard, which is defined in the Federal hazardous materials transportation law (See 49 U.S.C. 5123(a)(1)), in all civil penalty cases. The standard for a violation is similar to "negligence." After considering all the available information (including the additional information you provide in your response to the Notice), PHMSA must find either that (1) you had "actual knowledge" of the facts giving rise to the violation, or (2) you had "imputed knowledge," of the facts giving rise to the violation, in that a reasonable person acting in the circumstances and exercising reasonable care would have that knowledge. PHMSA does not need to find that you actually knew about, or intended to violate, requirements in the Federal hazardous material transportation law or the HMR.

What factors does PHMSA consider when proposing and assessing a civil penalty? (§ 107.331)

PHMSA considers the following factors when proposing and assessing a civil penalty for a violation of the regulations:

- (1) The nature and circumstances of the violation(s);
- (2) The extent and gravity of the violation(s);
- (3) The degree of your culpability;
- (4) Your history, if any, of prior offenses;
- (5) Your ability to pay the penalty;

- (6) The effect of the penalty on your ability to continue in business;
- (7) The size of your business, and
- (8) Other matters as justice may require.

The nature and the timeliness of any corrective action you take to prevent future violations of a similar nature will be considered under item No. 8. However, you must submit documented evidence of that corrective action to the PHMSA attorney. If you have submitted documented evidence regarding any of these factors during PHMSA's investigation of the alleged violation(s), and that documentation is referenced in the Notice or accompanying Inspection/Investigation Report, you do not need to resubmit it.

Under the Small Business Regulatory Enforcement Fairness Act (SBREFA), PHMSA must consider the rights of small entities in enforcement actions. PHMSA's hazardous materials enforcement program has been designed to consider small businesses and the penalties that PHMSA proposes and assesses are generally considered appropriate for small businesses. PHMSA takes into consideration the size of the company when proposing and assessing a civil penalty.

However, special consideration may not be given to a small business if:

- (1) The small business has not corrected its violation(s) within a reasonable time;
- (2) The small business has committed one or more prior violations of the HMR;
- (3) The violations involve willful conduct;
- (4) The violations pose serious threats to health, safety or the environment; or
- (5) The small business has not made a good faith effort to comply with the law.

The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. Our objective is to ensure a fair regulatory enforcement environment.

You have a right to contact the Small Business Administration's national Ombudsman at 1-888-REG-FAIR (1-888-734-3247) or www.sbs.gov/ombudsman regarding the fairness of the compliance and enforcement activities by this agency.

The Pipeline and Hazardous Materials Safety Administration strictly forbids retaliatory acts by its employees. As such, you should feel confident that you will not be penalized for expressing your concerns about compliance and enforcement activities.

Where can I find more information on how PHMSA handles hazardous materials enforcement cases?

A more detailed discussion of these procedures is in 49 C.F.R. §§ 107.301 through 107.333. These procedures are also on the Office of the Chief Counsel's home page at "<http://phmsa-atty.dot.gov>."

**INSTRUCTIONS FOR ELECTRONIC FUNDS TRANSFER TO
THE FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION**

1. <u>RECEIVER'S ABA NO.</u> 021030004	2. <u>TYPE SUBTYPE</u> (provided by sending bank)
3. <u>SENDING BANK ARB NO.</u> (Provided by sending bank)	4. <u>SENDING BANK REF NO.</u> (Provided by sending bank)
5. <u>AMOUNT</u>	6. <u>SENDING BANK NAME</u> (Provided by sending bank)
7. <u>RECEIVER NAME:</u> TREAS NYC	8. <u>PRODUCT CODE</u> (Normally CTR, or as provided by sending bank)
9. <u>BENEFICIARY (BFN) - AGENCY LOCATION CODE</u> <u>BNF=/ AC 69-14-0001</u>	10. <u>REASONS FOR PAYMENT</u> Example: PHMSA - Payment for Case # / Ticket Number/Pipeline Assessment number

INSTRUCTIONS: You, as sender of the wire transfer, must provide the sending bank with the information for Block (1), (5), (7), (9), and (10). The information provided in blocks (1), (7), and (9) are constant and remain the same for all wire transfers to Pipeline and Hazardous Materials Safety Administration, Department of Transportation.

Block #1 - RECEIVER ABA NO.- "021030004". Ensure the sending bank enters this nine-digit identification number; it represents the routing symbol for the U.S. Treasury at the Federal Reserve Bank in New York.

Block #5 - AMOUNT - You as the sender provide the amount of the transfer. Please be sure the transfer amount is punctuated with commas and a decimal point. EXAMPLE; \$10,000.00

Block #7 - RECEIVER NAME - "TREAS NYC." Ensure the sending bank enters this abbreviation; it must be used for all wire transfer to the Treasury Department.

Block #9 - BENEFICIARY- AGENCY LOCATION CODE - "BNF=/AC-69140001"
Ensures the sending bank enters this information. This is the Agency Location Code for Pipeline and Hazardous Materials Safety Administration, Department of Transportation.

Block #10 - REASON FOR PAYMENT - "AC-payment for PHMSA Case # / To
ensure your wire transfer is credited properly, enter the case number/ticket number or Pipeline Assessment number, and country."

Note: - A wire transfer must comply with the format and instructions or the Department cannot accept the wire transfer. You, as the sender, can assist this process by notifying, at the time you send the wire transfer to the General Accounting Division (405) 954-8893.



Inspection / Investigation Report No. 05421078

U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Enforcement

Inspection Location:

Power Line Packaging, Inc.
1304 Conshohocken Ave.
Conshohocken, PA 19462

Contact: Lisa Johanningsmeier, President
Phone: 610-239-7088
Fax: 610-239-7209

Type of Inspection: SHIPPER INSPECTION
(GENERAL)

Result: ENFORCEMENT REPORT

Inspector: MICHALSKI, CHRISTOPHER
Code: DHM-42.1
Title: HAZARDOUS MATERIALS
ENFORCEMENT SPECIALIST

Signature:

Inspector #2:
Code:
Title:

Supervisor Name: Colleen Abbenhaus
Title: Chief, Eastern Region

Authorization Date: 2/1/2006

Summary of Inspection

On November 22, 2005, Chris Michalski, Senior Hazardous Materials Enforcement Specialist conducted a compliance inspection at G&A Warehouses, Inc., Bensalem, PA (G&A). G&A stores and ships hazardous materials on behalf of several companies, to include Veil Corporation, Plymouth Meeting, PA (Veil). The inspector noted that some of the drums were not in compliance with the Hazardous Materials Regulations. The product label on the drums indicated that the material contained in them was manufactured by Gellner & Company, Hometown, PA (G&C), for Power Line Packaging, Inc., Conshohocken, PA (PLP).

On December 6, 2005, the inspector conducted a compliance inspection at PLP. PLP is a packaging facility. Ms. Lisa Johanningsmeier, President, represented the company during the inspection and provided all requested documentation. She also signed the Exit Briefing (see exhibit 1) and the Hazmat Security Inspection Report (see exhibit 2). This report is related to report numbers 05421079, 05421080, 05421081 and 06521002.

Violation Number: 1

Number Discovered: 1

49 CFR Section:

171.2(a), (b), (e), 173.22(a)(2), 173.202(a)

Exhibit: 3-12

Violation Description:

Offering for transportation, in commerce, a hazardous material, packing group II flammable liquid, in plastic drums which did not meet the UN standard for liquids, as prescribed in Section 173.202, therefore shipping unauthorized packagings, in violation of 49 CFR, Sections 171.2(a), (b), (e), 173.22(a)(2) and 173.202(a).

Evidence Summary:

During the inspection at G&A Warehouses, Inc., Bensalem, PA (G&A), inspector Michalski observed (see exhibit 3) plastic drums, labeled as containing a flammable liquid, OTTOPOL BR-17. The drums were certified UN1H2/Y130/S/03/USA/M4233 (see exhibit 3). The Material Safety Data Sheet for OTTOPOL BR-17 (see exhibit 4) indicates that it is a packing group II liquid flammable material, with the flash point of 53°F.

Section 173.202(a) requires the use of UN-standard packagings certified for liquids, at the minimum of packing group II performance level, to ship flammable liquids. The drums observed by the inspector were certified for solids only. The inspector observed that the product was visibly spilled outside the drums (see exhibit 5).

Mr. Ray Valera, Operations Manager, G&A, explained (see exhibit 6) that the drums were being stored on behalf of Veil Corporation, Bensalem, PA. The shipment was received in this condition, with several drums leaking. He provided a copy of G&A's Warehouse Receipt, number 32768, dated April 26, 2005 (see exhibit 7), and Veil Corporation's bill of lading, number 031105, dated March 11, 2005 (see exhibit 8) which show that the drums were delivered to G&A by Penn Transport. The bill of lading did not identify the material as hazardous.

The product label on the drums indicated that the material was manufactured by Gellner & Company, Hometown, PA (G&C) for Power Line Packaging, Inc., Conshohocken, PA (PLP).

On December 6, 2005, the inspector conducted a compliance inspection at PLP. He interviewed Ms. Lisa Johannigsmeier, President, PLP, regarding PLP's involvement. Ms. Johannigsmeier stated (see exhibit 9) that Veil contracted PLP to blend and package a new product. The December 2003, PLP received a shipment of more than twenty drums containing the OTTOPOL BR-17 product. Since there was not much

progress marketing the new product, after several months PLP asked Veil to arrange for a different storage facility.

Ms. Johannigsmeier provided an undated bill of lading (see exhibit 10), which shows that five skids with drums containing Veil product, totaling 8000 lbs, were offered for transportation. Ms. Johannigsmeier stated (see exhibit 9) that Mr. Robert Rosania, President, Veil Corporation, arranged for the truck to pick up the drums in question from PLP.

During the subsequent inspection at G&C, on December 8, 2005, the inspector obtained documentation showing that OTTOPOL BR-17 was shipped to PLP as a hazardous material on December 15, 2003 (see exhibit 11). The inspector also confirmed that the material was packaged in the drums observed at G&A. These drums were not suitable for shipping liquid hazardous materials and should have not been re-shipped by PLP. Note the drums were not marked with the proper shipping name and identification number, and the shipping description on the bill of lading generated by G&C listed the technical names as proper shipping names, instead of a generic (n.o.s.) description as prescribed by the Hazardous Materials Regulations.

Section 173.22(a)(2) requires the shipper to ensure that the packaging used to ship a hazardous material is an approved packaging. In this case, PLP re-shipped the material in unauthorized packagings.

Note that during the inspection at Veil Corporation, on December 20, 2005, the inspector established that the drums in question were picked up from PLP by Penn Transport, Oaks, PA on October 20, 2004 (see exhibit 12).

Violation Number: 2

Number Discovered: 2

49 CFR Section:

171.2(a), (b), (e), 172.200(a)
172.201(d), 172.602(a)

Exhibit: 3, 4, 9-17

Violation Description:

Offering for transportation in commerce, hazardous materials, flammable liquids, without executing a shipping paper, as prescribed by Sections 172.200(a), 172.201(a) & (d) and 172.202(a), in violation of 49 CFR, Sections 171.2(a), (b), (e), 172.200(a), 172.201(d) and 172.602(a).

Evidence Summary:

Same evidence as the previous violation.

During the inspection at Power Line Packaging, Inc., Conshohocken, PA (PLP), the inspector determined that PLP received OTTOPOL BR-17 in drums that were labeled as flammable (see exhibit 3), accompanied by a shipping paper identifying the product as a flammable liquid (see exhibit 11). The Material Safety Data Sheet for OTTOPOL BR-17 (see exhibit 4) indicates that it is a packing group II flammable material, with a flash point of 53°F.

The inspector determined that on October 20, 2004, PLP shipped the same material without executing a proper shipping paper (see exhibits 9, 10 and 12).

Section 172.200(a) requires the shipper to execute a proper shipping paper when shipping hazardous materials. Section 172.202(a) lists the required entries, which include the proper shipping name, hazard class, identification number, packing group and the total quantity shipped, including the unit of measure. Sections 172.201(d) and 172.602(a) require that the shipping paper include an emergency response telephone number and be accompanied by emergency response information. PLP failed to meet these requirements.

The inspector determined that PLP received from ChemCentral other drums containing various hazardous materials (see exhibits 13, 14 and 15). These drums were shipped by PLP via Volpe Express on May 26, 2005. This shipment was also not accompanied by a shipping paper (see exhibit 16). The Material Safety Data Sheets for three of the products indicate (see exhibit 18) that they were hazardous materials.

The inspector obtained a copy of PLP's bill of lading, number 23138, dated November 11, 2005 (see exhibit 17). The bill of lading did not include a unit of measurement, and it listed 800-424-9300 as the emergency response telephone number. The number listed belongs to Chemtrec. Ms. Lisa Johannigsmeier,

President, PLP, indicated (see exhibit 9) that PLP did not have an agreement with Chemtrec to provide emergency response information.

Violation Number: 3

Number Discovered: 1

49 CFR Section:

171.2(a), (b), (e), 172.300(a), 172.301(a)(1)

Exhibit: 3-5, 9-12

Violation Description:

Offering for transportation, in commerce, a hazardous material, flammable liquid, in packagings not marked with the proper shipping name and identification number, as prescribed by Section 172.301(a)(1), in violation of 49 CFR, Sections 171.2(a), (b), (e), 172.300(a) and 172.301(a)(1).

Evidence Summary:

Same evidence as the previous violations.

During the inspection at Power Line Packaging, Inc., Conshohocken, PA (PLP), the inspector determined that, on October 20, 2004, PLP shipped drums containing OTTOPOL BR-17, a flammable liquid (see exhibits 4, 9, 10 and 12). Based on the subsequent observation conducted by the inspector at G&A Warehouses, Inc. Bensalem, PA (see exhibits 3 and 5), the drums were not marked with the proper shipping name and identification number, as required by Section 172.301(a)(1).

The drums were originally shipped to PLP without the required markings from Gellner & Company, Inc., Hometown, PA (G&C) (see exhibit 11). G&C did not properly describe the product on the shipping papers, listing instead all of the hazardous components it contained. Based on the Material Safety Data Sheet (see exhibit 4), the product could be described as alcohols, n.o.s. or flammable liquid, n.o.s. (contains isobutanol and isopropanol).

Violation Number: 4

Number Discovered: 1

49 CFR Section:
171.2(a), (b), 172.702(a)

Exhibit: 3-17

Violation Description:

Offering for transportation, in commerce, hazardous materials, when general awareness, function specific and security awareness training was not conducted as prescribed by Sections 172.702(a), 172.704(a)(1), (2), (4), (5) and 172.704(c)(1), when recurrent safety training was not conducted as prescribed by Sections 172.704(a)(3) and 172.704(c)(2), and when records were not maintained as prescribed by Section 172.704(d), in violation of 49 CFR, Sections 171.2(a), (b) and 172.702(a).

Evidence Summary:

Same evidence as the previous violations.

During the inspection at Power Line Packaging, Inc., Conshohocken, PA (PLP), the inspector obtained documentation showing that the company engaged in shipping hazardous materials (see exhibits 3 through 18).

The inspector questioned Ms. Lisa Johannigsmeier, President, PLP, regarding the hazmat training provided by PLP to hazmat employees. Ms. Johannigsmeier stated (see exhibit 9) that the only hazardous materials training implemented by PLP was the right to know (safety) training, which was last conducted in April 2001. There was no record of that training.

Section 172.702(a) requires that each hazmat employee be provided with hazmat training. Section 172.704(a) states that the hazmat training must include general awareness/familiarization function specific, safety, security awareness and in-depth security training (if applicable). Section 172.704(a)(4) requires that the first recurrent training, conducted after March 25, 2003 must include security awareness training. Section 172.704(c) requires that the recurrent training be conducted at least once every three years. Section 172.704(d) prescribes the record keeping requirements. PLP did not meet the hazmat training requirements.

Violation Number: 5

Number Discovered: 1

49 CFR Section:

171.2(a), (b), 172.800(b), 172.802(a)

Exhibit: 3-17

Violation Description:

Offering for transportation in commerce, hazardous materials, flammable liquids, in quantities which require placarding, while failing to develop and implement a hazardous materials security plan, as prescribed by Sections 172.800(b) and 172.802(a), in violation of 49 CFR, Sections 171.2(a), (b), 172.800(b) and 172.802(a).

Evidence Summary:

Same evidence as the previous violations.

During the inspection at Power Line Packaging, Inc., Conshohocken, PA (PLP), the inspector determined that, on October 20, 2004, PLP shipped a placardable quantity (8000 lbs) of a flammable liquid (see exhibits 4, 9, 10 and 12).

Section 172.800 states that any person who offers for transportation a quantity of hazardous material which requires placarding must develop and adhere to a security plan. Section 172.802(a) requires that the security plan must include a risk assessment and that it addresses personnel security, unauthorized access and en route security.

The inspector questioned Ms. Lisa Johannigsmeier, President, PLP, regarding PLP's security plan. Ms. Johannigsmeier indicated (see exhibit 2) that PLP did not develop a hazmat security plan.

Violation Number: 6

Number Discovered: 1

49 CFR Section:

171.2(a), (b), (d), 107.601(a)

Exhibit: 3-17

Violation Description:

Offering for transportation in commerce, hazardous materials, flammable liquids, in quantities which require placarding, while failing to register as prescribed by Section 107.601(a)(6), in violation of 49 CFR, Sections 171.2(a), (b), (d) and 107.601(a).

Evidence Summary:

Same evidence as the previous violations.

During the inspection at Power Line Packaging, Inc., Conshohocken, PA (PLP), the inspector determined that, on October 20, 2004, PLP shipped a placardable quantity (8000 lbs) of a flammable liquid (see exhibits 4, 9, 10 and 12).

Section 107.601(a)(6) states that shipments of hazardous materials (hazmat), in quantities requiring placarding, must be registered with the Associate Administrator for the Hazardous Materials Safety. Sections 172.504(a) and (c) require placarding for shipments of a hazmat in excess of 454 kg (1001 lbs) aggregate gross weight.

The inspector questioned Ms. Lisa Johannigsmeier, President, PLP, regarding PLP's hazmat registration. Ms. Johannigsmeier indicated (see exhibit 2) that PLP did not register as a shipper of hazardous materials.

Additional Information Pertaining to the Inspection:

Exhibit Summary

Evidence		Obtained From		
No.	Description	Name, Title	Company	City, State
1	Exit Briefing, dated December 6, 2005	Chris Michalski, SHMES	US DOT	West Trenton, NJ
2	Hazmat Security Inspection Report	Chris Michalski, SHMES	US DOT	West Trenton, NJ
3	Photographs	Chris Michalski, SHMES	US DOT	West Trenton, NJ
4	Material Safety Data Sheet	Ray Valera, Operations Manager	G&A Warehouses, Inc.	Bensalem, PA
5	Photographs	Chris Michalski, SHMES	US DOT	West Trenton, NJ
6	Oral statement	Ray Valera, Operations Manager	G&A Warehouses, Inc.	Bensalem, PA
7	Warehouse Receipt, number 32768, dated April 26, 2005	Ray Valera, Operations Manager	G&A Warehouses, Inc.	Bensalem, PA
8	Bill of lading, number 031105, dated March 11, 2005	Ray Valera, Operations Manager	G&A Warehouses, Inc.	Bensalem, PA
9	Oral statement	Lisa Johannigsmeier, President	Power Line Packaging, Inc.	Conshohocken, PA
10	Undated bill of lading	Lisa Johannigsmeier, President	Power Line Packaging, Inc.	Conshohocken, PA
11	Bill of lading, number 116721945, dated December 15, 2003	Hans Feindt, Chemical Engineer	Gellner & Company, LLC	Hometown, PA
12	Bill of lading for shipment executed October 20, 2004	Robert Rosania, President	Veil Corporation	Plymouth Meeting, PA
13	Customer delivery receipt, number 1759504, dated January 7, 2004	Lisa Johannigsmeier, President	Power Line Packaging, Inc.	Conshohocken, PA
14	Customer delivery receipt, number 1759475, dated	Lisa Johannigsmeier, President	Power Line Packaging, Inc.	Conshohocken, PA

Power Line Packaging, Inc.
Inspection / Investigation Report No. 05421078

Evidence		Obtained From		
No.	Description	Name, Title	Company	City, State
	January 7, 2004			
15	Customer delivery receipt, partial number 20826, dated November 17, 2004	Lisa Johannigsmeier, President	Power Line Packaging, Inc.	Conshohocken, PA
16	Bill of lading, dated May 26, 2005	Lisa Johannigsmeier, President	Power Line Packaging, Inc.	Conshohocken, PA
17	Bill of lading, number 23138, dated November 11, 2005	Lisa Johannigsmeier, President	Power Line Packaging, Inc.	Conshohocken, PA
18	Material Safety Data Sheets	Robert Rosania, President	Veil Corporation	Plymouth Meeting, PA



US Department
of Transportation

Pipeline and Hazardous
Materials Safety Administration

Office of Hazardous
Materials Enforcement
Eastern Region

820 Bear Tavern Rd., Ste. 306
West Trenton, NJ 08628
(609)989-2256
(609)989-2277 Fax

EXIT BRIEFING

(This document is not a final report.)

Date: 12/6/05 Report Control #: 05421078

Company Name: POWER LINE PACKAGING, INC

Address: 1304 CONSHOHOCKEN RD, CONSHOHOCKEN, PA

NAME OF INDIVIDUALS RECEIVING BRIEFING:

Name: LISA JOHANNINGSMEIER Title: PRESIDENT

Name: _____ Title: _____

Name: _____ Title: _____

This has been a compliance inspection conducted in accordance with Title 49 U.S.C. Section 5121(c). This exit briefing addresses only the areas noted, and it is not a finding of general compliance in any other areas covered by the Hazardous Materials Regulations that were subject to the inspection.

During the course of the inspection the following probable violations of 49 CFR and/or quality control items were noted:

PROBABLE VIOLATIONS:

Section: 173.202(a)

Explanation: LIQUID HAZARDOUS MATERIALS MUST BE SHIPPED IN UN PACKAGINGS PRESCRIBED BY 49 CFR (I.E. DRUMS CERTIFIED FOR LIQUIDS)

Section: 172.200(a)

Explanation: HAZARDOUS MATERIALS SHIPMENTS MUST BE ACCOMPANIED BY SHIPPING PAPERS PREPARED IN ACCORDANCE WITH 49 CFR, TO INCLUDE SHIPPER'S CERTIFICATION AND VALID EMERGENCY RESPONSE PHONE NUMBER

U.S. DOT/PHMSA/OHME/EASTERN REGION

REPORT # 05421078

EXHIBIT # 1

PAGE 1 OF 3

PROBABLE VIOLATIONS:

Section: _____

Explanation: _____

172.301 (a)

PACKAGES CONTAINING HAZARDOUS MATERIALS
MUST BE MARKED WITH PROPER SHIPPING NAME
AND IDENTIFICATION NUMBER

Section: _____

Explanation: _____

172.702 (a)

HAZMAT EMPLOYERS MUST PROVIDE ALL HAZMAT
EMPLOYEES WITH THE REQUIRED HAZMAT
TRAINING

Section: _____

Explanation: _____

172.800 (b)

SHIPPERS OF PLACARDABLE QUANTITIES OF HAZMAT
MUST PREPARE SECURITY PLAN

Section: _____

Explanation: _____

107.608

SHIPPERS OF PLACARDABLE QUANTITIES OF HAZMAT
MUST REGISTER WITH THE DOT.

Section: _____

Explanation: _____

TABLE -> 172.101

Report Control #: _____

This document is not a final report. The information gathered at this inspection and any probable violations noted will be reviewed prior to finalizing the report. Probable violation(s) may be removed or others may be added during this review. In addition, quality control items may be revised to become probable violations during this review.

Upon determination that a probable violation exists, the Associate Administrator for Hazardous Materials Safety is authorized to impose certain sanctions, including warning letters, compliance orders, and civil penalties. In addition, court actions, including injunctive or criminal proceedings, may be initiated. Title 49 U.S.C. Sections 5123 and 5124 provide for civil and criminal penalties for violation of the Hazardous Materials Regulations.

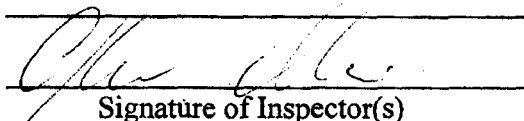
A civil penalty of not more than \$32,500, but not less than \$275, per violation may be imposed through administrative proceedings initiated by the Office of Chief Counsel of the Pipeline and Hazardous Materials Safety Administration. When a criminal violation has been determined by a court, a fine, or imprisonment for not more than 5 years, or both, may be imposed for each violation.

The inspector does not determine which sanction, if any, may be imposed and cannot provide information concerning what proceedings will be initiated or sanctions imposed.

* Documentation of corrective action submitted in writing to the inspector within 30 days of the inspection may be considered for mitigation should the sanction imposed result in the issuance of a notice proposing a civil penalty. However, any documented corrective action would not eliminate or preclude the initiation of a civil penalty proceeding, a finding of violation, or assessment of a civil penalty.

Our objective is to ensure a fair regulatory enforcement environment. If you feel you have been treated unfairly or unprofessionally, you may contact John J. O'Connell, Jr. at 202-366-4700, or e-mail us at OHME-HQ@dot.gov. You also have a right to contact the Small Business Administration's National Ombudsman at 1-888-REGFAIR or www.sba.gov/ombudsman regarding the fairness of the compliance and enforcement activities by this agency. The Pipeline and Hazardous Material Safety Administration strictly forbids retaliatory acts by its employees. As such, you should feel confident that you will not be penalized for expressing your concerns about compliance and enforcement activities.

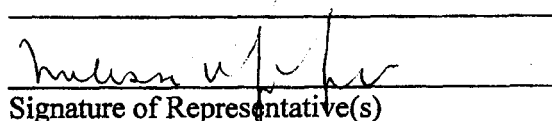
I certify that I received the above briefing as it appears on this form. I understand that by signing this form I am in no way expressing agreement with its contents. I am only acknowledging that I have reviewed it and have received a copy.



Signature of Inspector(s)

12/6/05

Date



Signature of Representative(s)

12/6/05

Date

U.S. DOT/PHMSA/OHME/EASTERN REGION

REPORT # 05421078

EXHIBIT #

PAGE 2 OF 3



Facility Name and Address: TOWER LINE PACKAGING INC
1304 CONSHOHOCKEN RD
CONSHOHOCKEN PA 19462

Title:

LISA JOHANNINGMEIER PRÄSIDENT

- ☐ a) A highway route controlled quantity of a Class 7 material.
- ☐ b) More than 55 pounds of a Division 1.1, 1.2, 1.3 in a motor vehicle, rail car, or freight container.
- ☐ c) More than 1 liter per package, of a material poison by inhalation, Zone A.
- ☐ d) A quantity of a hazardous material in a bulk packaging (> 3,500 gallons for liquids/gas, 468 cubic feet for solids).
- ☐ e) >5,000 lbs. (gw) of one hazard class in non-bulk packaging for which placarding of a vehicle, rail car or freight container is required.
- ☐ f) A select agent or toxin listed in 42 CFR, Part 73.
- ☒ g) A quantity of hazardous materials that requires placarding
- ☐ h) None of the above: Security Plan is not required, though Security Awareness Training is still required to be conducted (see page 2, Security Training)

- NO

5. Does the plan include a security assessment of possible transportation security risks [172.802]?

U.S. DOT/PHMSA/OHME
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Exhibit # 2
Page # 1 of 4

INVESTIGATIVE NOTES
COMPILED AND RETAINED FOR ENFORCEMENT PURPOSES

6. Does the plan include measures to address the assessed risk(s)? _____

7. Does the plan address personnel security?

8. What method is in place to confirm information provided by employees hired for positions that involve access to or handling of materials covered by the security plan?

9. Is the company adhering to its personnel security plan?

10. Does the plan address unauthorized access?

N/A

11. Does the company adhere to the plan to prevent unauthorized persons to gain access to hazmat covered by the plan or transport conveyances being prepared for transportation?

12. Does the plan address en route security?

INVESTIGATIVE NOTES
COMPILED AND RETAINED FOR ENFORCEMENT PURPOSES

13. Does the company adhere to its en route security plan from origin to destination, including private/contract/common carrier?

N/A

SECURITY TRAINING

14. Has the company conducted security awareness training (SAT)? * NO

15. Does the security awareness training include a component on how to recognize and respond to possible security threats? N/A

16. Has each HM employee, hired after March 25, 2003, received SAT within 90 days of hire?

17. Has the company conducted in-depth security training (plan specific) for all HM employees by December 22, 2003? NO

18. Does the in-depth training program include the following:

a. Company security objectives? _____

b. Specific security objectives? _____

c. Employee responsibilities? N/A

d. Actions to take in the event of a security breach? _____

e. Organizational security structure? _____

19. Has the company created and retained records of employee security training?

Additional Notes

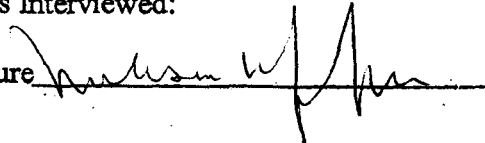
[* Note: A company is not required to test or retain records concerning the new security plan training requirement until an employee's next scheduled retraining or within the 3 year Hazmat Employee training cycle.]

INVESTIGATIVE NOTES
COMPILED AND RETAINED FOR ENFORCEMENT PURPOSES

This inspection report assesses your compliance with our Security Plan regulations (49 CFR §§ 172.704 (Training), 172.800 (Purpose and Applicability), 172.802 (Components of a security plan), and 172.804 (Relationship to other Federal requirements)). **This inspection report and any comments made during this evaluation do not constitute an endorsement or approval of your security program in whole or in part. Do not send us a copy of your Security Plan as a part of corrective action. If we need a copy of your Security Plan we will specifically request it in writing.**

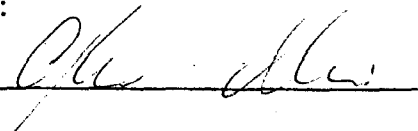
I hereby certify that the above responses are true to the best of my knowledge.

Persons Interviewed:

Signature  Title President Date 12/6/05

Signature _____ Title _____ Date _____

Inspector(s):

Signature  Title SA/MS Date 12/6/05

Signature _____ Title _____ Date _____

Nothing Follows. _____ (Inspector's Initials)

The following website may be helpful in the development and administration of security plans:

http://hazmat.dot.gov/hmt_security.htm

U.S. DOT/PHMSA/OHME	
Report#	<u>05421078</u>
Exhibit #	<u>12</u>
Page #	<u>7</u> of <u>7</u>

**U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Enforcement
Photograph Summary**

LOCATION

G&A Warehouses, Inc.

PHOTOGRAPH DATE

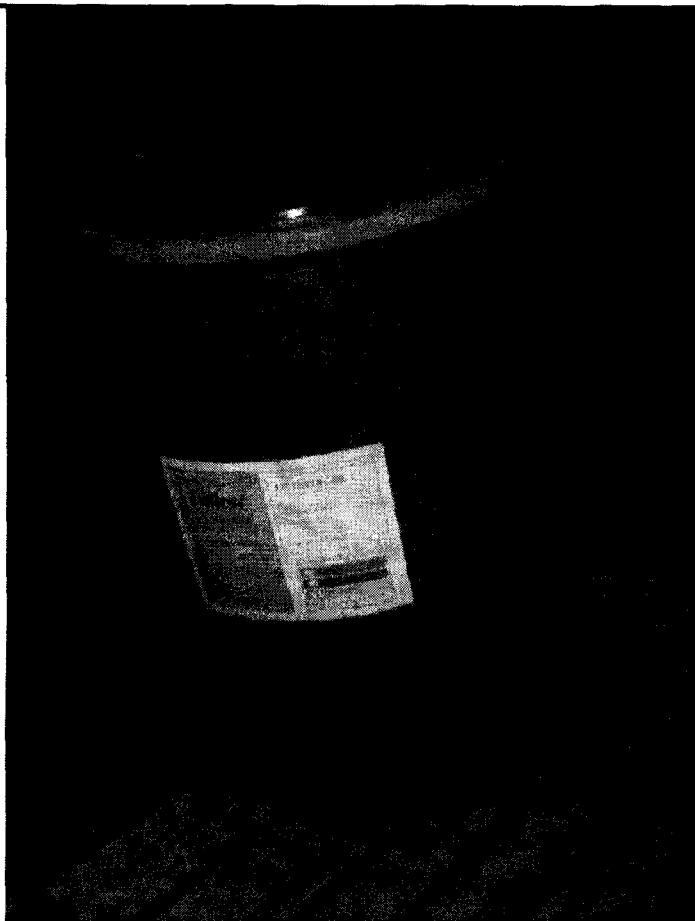
November 22, 2005

CITY, STATE

Bensalem, PA

PHOTOGRAPHER

Chris Michalski



**U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Enforcement
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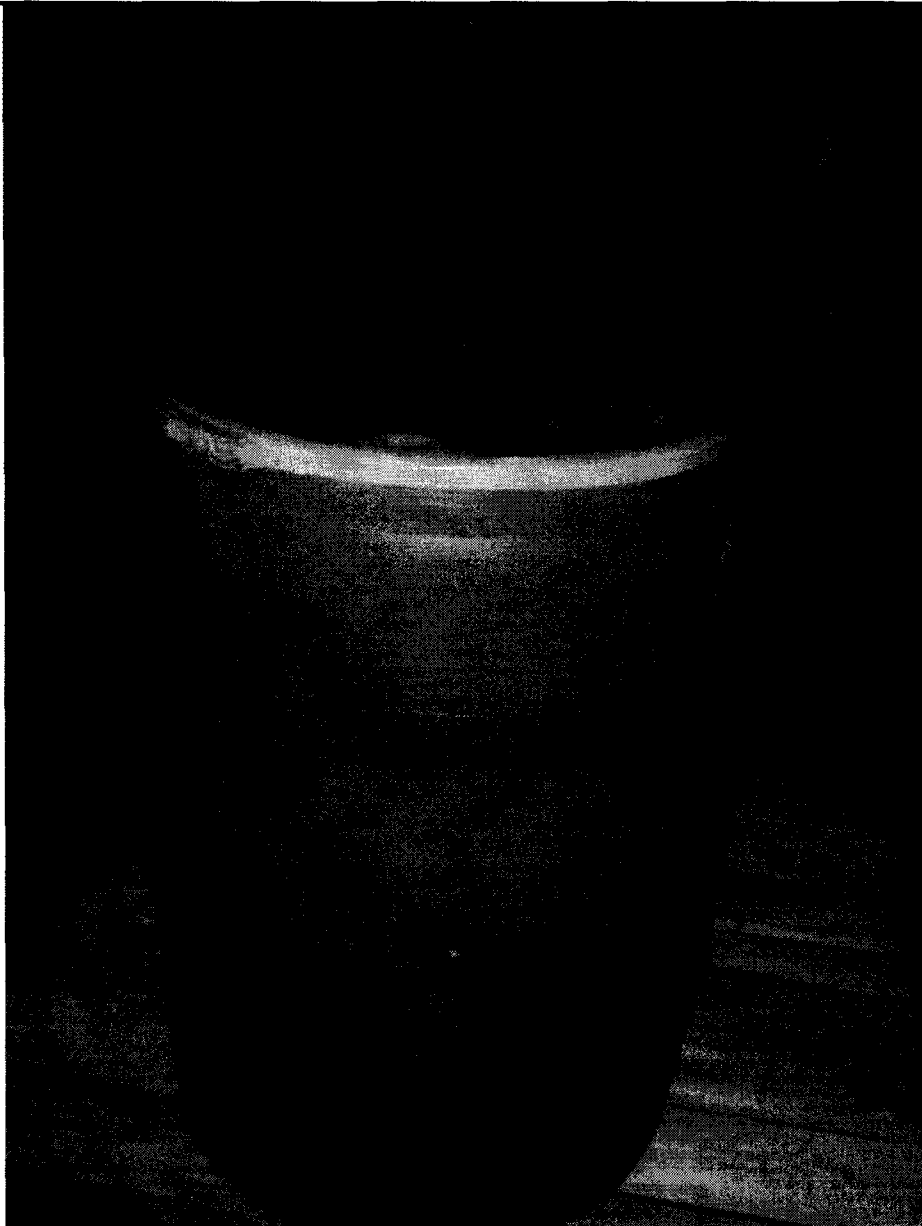
November 22, 2005

CITY, STATE

Bensalem, PA

PHOTOGRAPHER

Chris Michalski



SA/OHME/EASTERN REGION
REPORT NUMBER: 05421078
EXHIBIT NUMBER: 3
Page 2 of 10

**U.S. Department of Transportation
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PHOTOGRAPH DATE

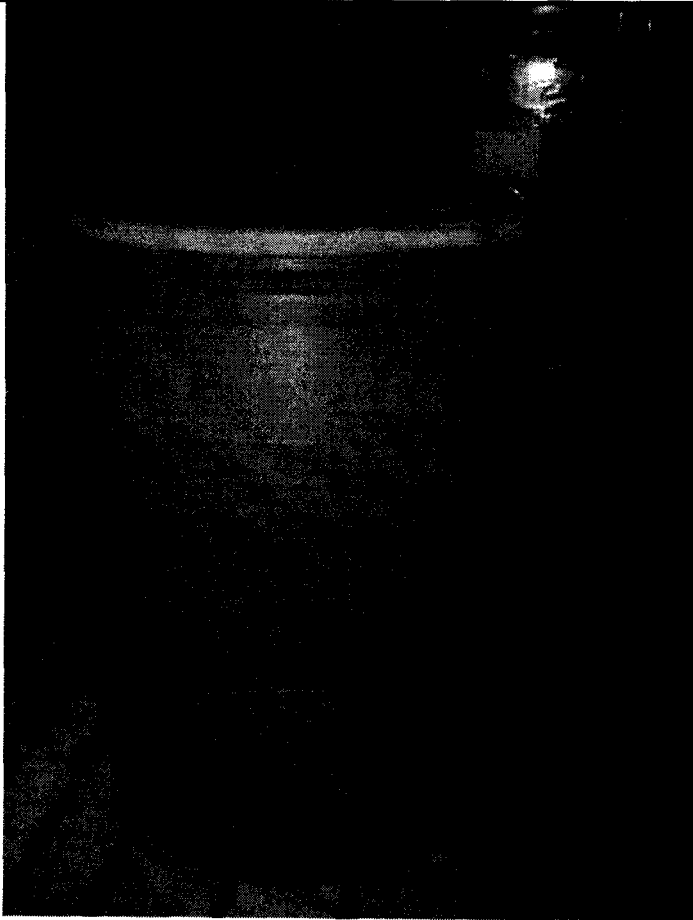
November 22, 2005

CITY, STATE

Bensalem, PA

PHOTOGRAPHER

Chris Michalski



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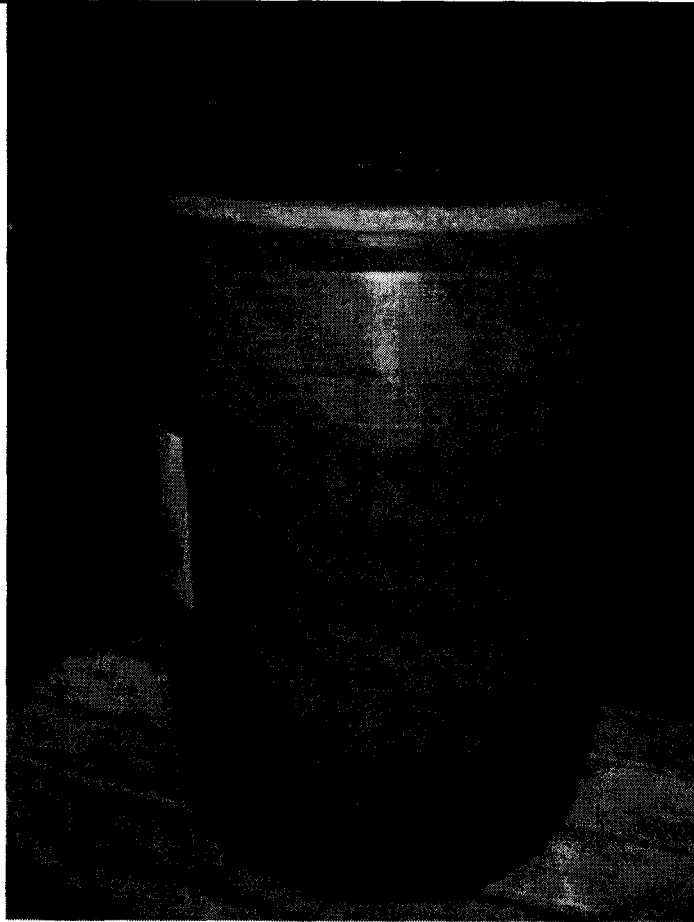
November 22, 2005

CITY, STATE

Bensalem, PA

PHOTOGRAPHER

Chris Michalski



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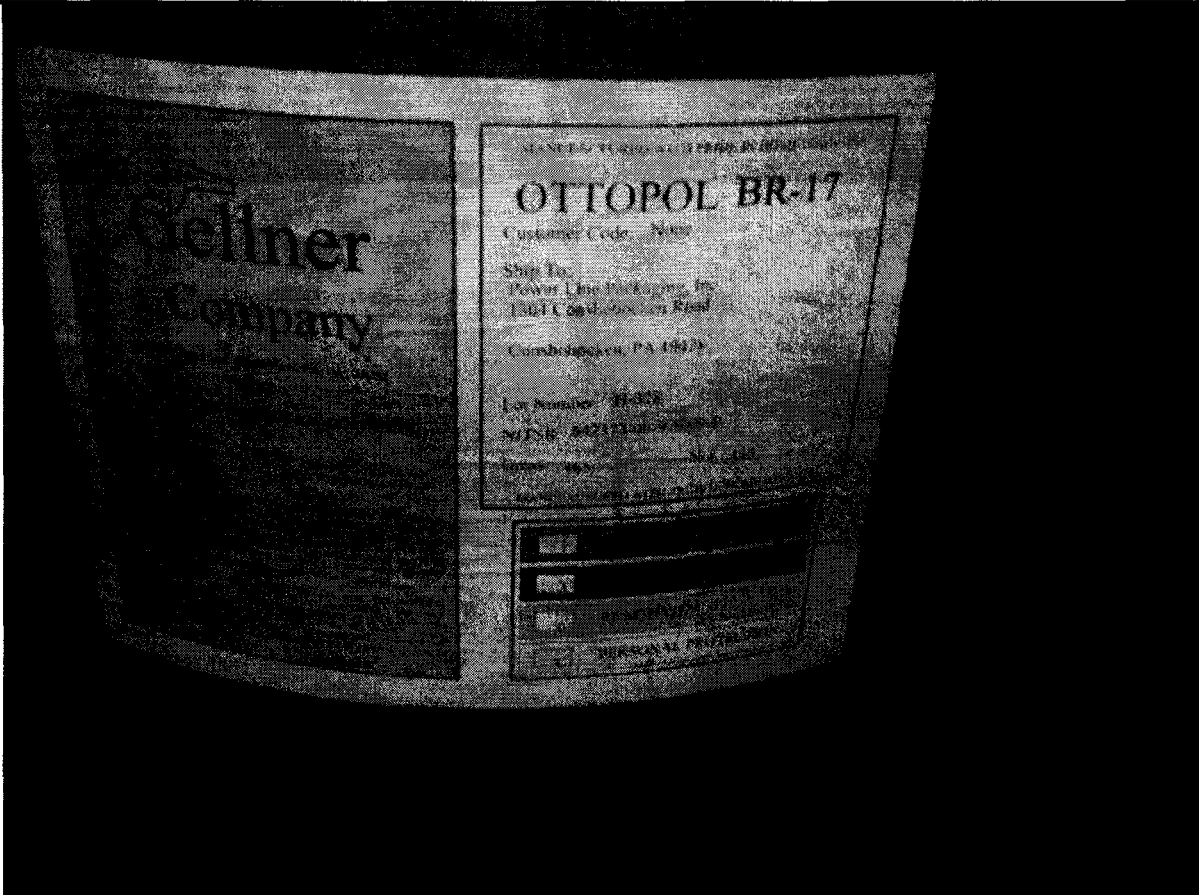
November 22, 2005

CITY, STATE

Bensalem, PA

PHOTOGRAPHER

Chris Michalski



**U.S. Department of Transportation
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Bensalem, PA

PHOTOGRAPHER

Chris Michalski



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PHOTOGRAPHER

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PHOTOGRAPHER

Chris Michalski



**U.S. Department of Transportation
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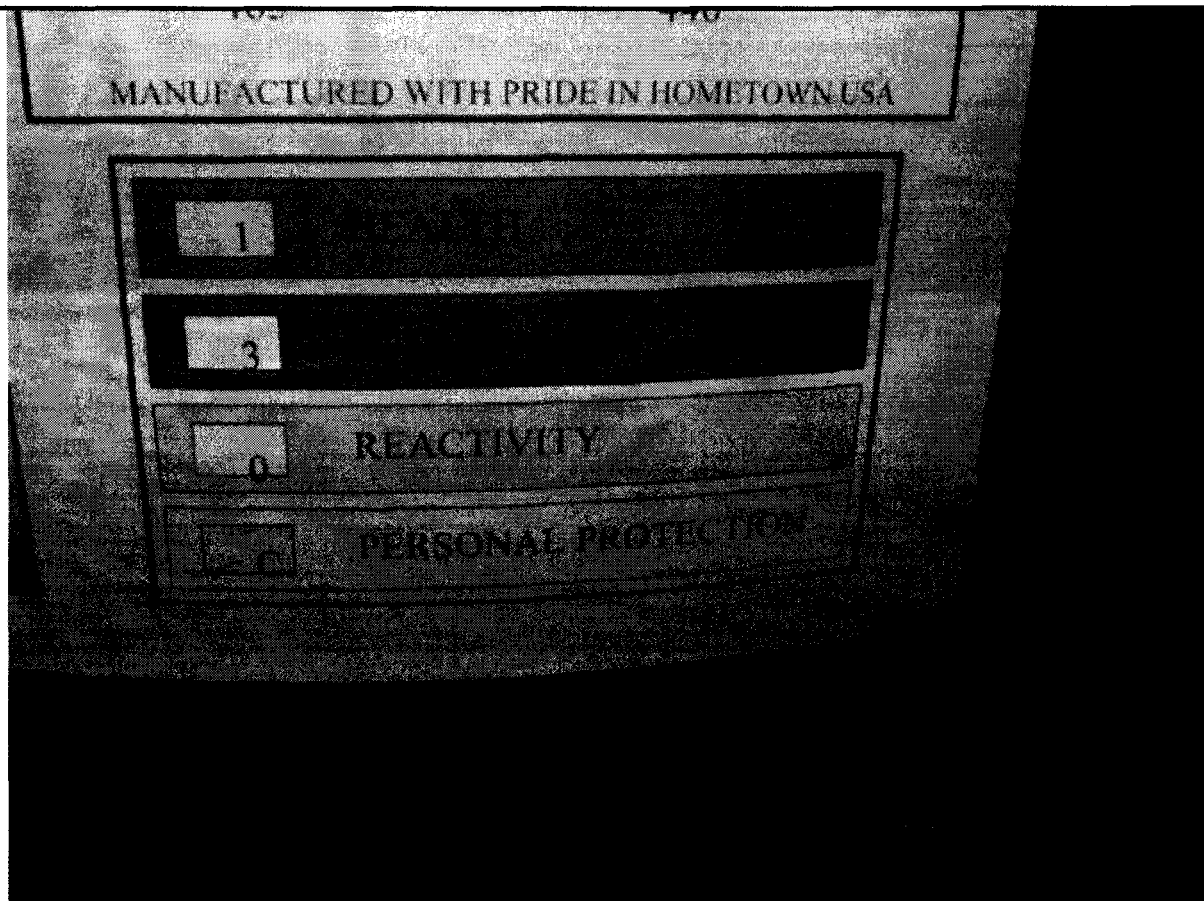
November 22, 2005

CITY, STATE

Bensalem, PA

PHOTOGRAPHER

Chris Michalski



**U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Enforcement
Photograph Summary**

LOCATION

G&A Warehouses, Inc.

PHOTOGRAPH DATE

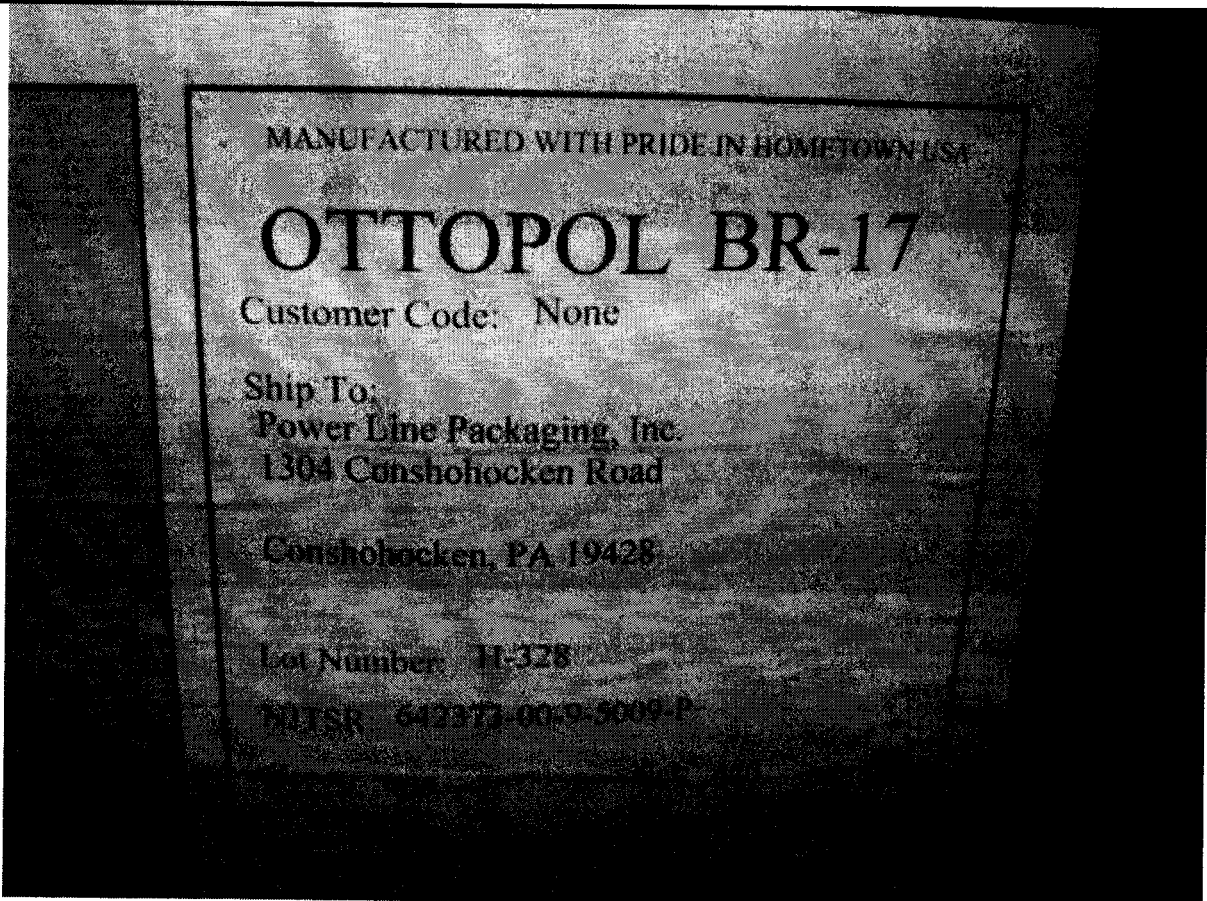
November 22, 2005

CITY, STATE

Bensalem, PA

PHOTOGRAPHER

Chris Michalski



04/25/2005 14:03

6685571

PAGE 01

MATERIAL SAFETY DATA SHEET

1
2
REACTIVITY 0
PERSONAL PROTECTION C

4 = Extreme
3 = High
2 = Moderate
1 = Slight
0 = Insignificant



Gellner
& COMPANY, INC.
 P.O. BOX 127
 GILLETTE, NJ 07933
 PHONE (908) 647-5208

May 2003

SECTION I

PRODUCT IDENTIFICATION

Product Name.....OTTOPOL BR-17
 Chemical Family.....Acrylic Copolymer

Formula/ NITR.....Proprietary
 Health Hazard Information.....(908) 647-5208

SECTION II

HAZARDOUS INGREDIENTS

Components	Percent	TLV (Units)
Isopropanol CAS # 67-63-0	5.3	400 ppm
Diacetone Alcohol CAS# 123-42-2	12.9	
Isobutanol CAS# 78-83-1	34.4	
PaB CAS# 005131-66-8	12.9	
Dipropylene Glycol CAS# 025265-71-8	5.2	
PM Glycol Ether CAS#000107-98-2	12.2	

SECTION III

PHYSICAL DATA

Boiling Point.....177 Degrees F
 Vapor Pressure.....33@ 68 Degrees F (IPA)
 Solubility in Water.....None
 Appearance.....Clear Solution

Specific Gravity.....0.917987
 Percent Volatile by Volume.....90.4
 Solids by Weight.....17.0
 Odor.....Typical Acrylic

SECTION IV

FIRE and EXPLOSION HAZARD DATA

Special Fire Fighting Procedures.....Respirator
 Extinguishing Media.....Water, Foam, CO2
 Upper Flammable Limits in air % Volume.....12.0

Unusual Fire or Explosion Hazards.....None Known
 Flash Point.....53 F Degrees F PMCC
 Lower Flammable Limits in air % Volume.....2.0

U.S. DOT/PHMSA/OHME/EASTERN
 REPORT # 05121078
 EXHIBIT # 4
 PAGE 1 OF 2

SECTION V

HEALTH HAZARD DATA

Potential Health Effects:

Effects of Single Acute Overexposure

Inhalation: Vapors cause irritation of respiratory tract, with coughing and chest discomfort. High concentrations of vapor may cause central nervous system depression, with weakness, drowsiness and loss of consciousness.

Eye Contact: Causes irritation, experienced as stinging and discomfort or pain. Corneal injury may occur.

Skin Contact: May cause minor irritation with itching and possible local redness. Prolonged or repeated contact may cause defatting and drying of skin.

Skin Absorption: Exposure to small quantities is not expected to cause adverse health effects. Widespread or prolonged exposure may result in the absorption of harmful amounts of material, particularly in infants, leading to signs and symptoms as described for swallowing.

Swallowing: Slightly toxic. May cause dizziness, faintness, drowsiness, decreased awareness and responsiveness, lack of coordination, abdominal discomfort, nausea, vomiting and diarrhea.

SECTION VI

FIRST AID PROCEDURES

Inhalation: Remove to fresh air. Give artificial respiration if not breathing. If breathing is difficult, oxygen may be given by qualified personnel. Obtain medical attention.

Eye Contact: Immediately flush eyes with water and continue washing for several minutes. Remove contact lenses if worn. Obtain medical attention.

Skin Contact: Remove contaminated clothing. Wash skin with soap and water. If irritation persists or if contact has been prolonged, obtain medical attention.

Swallowing: If patient is fully conscious, give two glass of water. Induce vomiting. This should be done only by medical or experienced first-aid personnel. Obtain medical attention.

SECTION VII

REACTIVITY DATA

Stability Stable
Incompatibility None Known

Conditions to Avoid None Known
Hazardous Decomposition Products.. Carbon Monoxide
Hazardous Polymerization Will Not Occur

SECTION VII

SPILL or LEAK PROCEDURE

Absorb material with sand or absorbent material. Put contaminant into DOT approved container. Do not dispose into sewer system. An acceptable method of disposal is to burn in an incinerator in accordance with local state and federal rules and regulations.

SECTION VIII

SPECIAL PROTECTION INFORMATION

Respiratory protection Product contains VOCs, use respirator to prevent overexposure
Other Protective Equipment Rubber gloves and safety glasses

U.S. DOT/PHMSA/OHME/EASTERN

REPORT # 05 42 1078

EXHIBIT # 2 OF 2

PAGE 2 OF 2

**U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Enforcement
Photograph Summary**

LOCATION

G&A Warehouses, Inc.

PHOTOGRAPH DATE

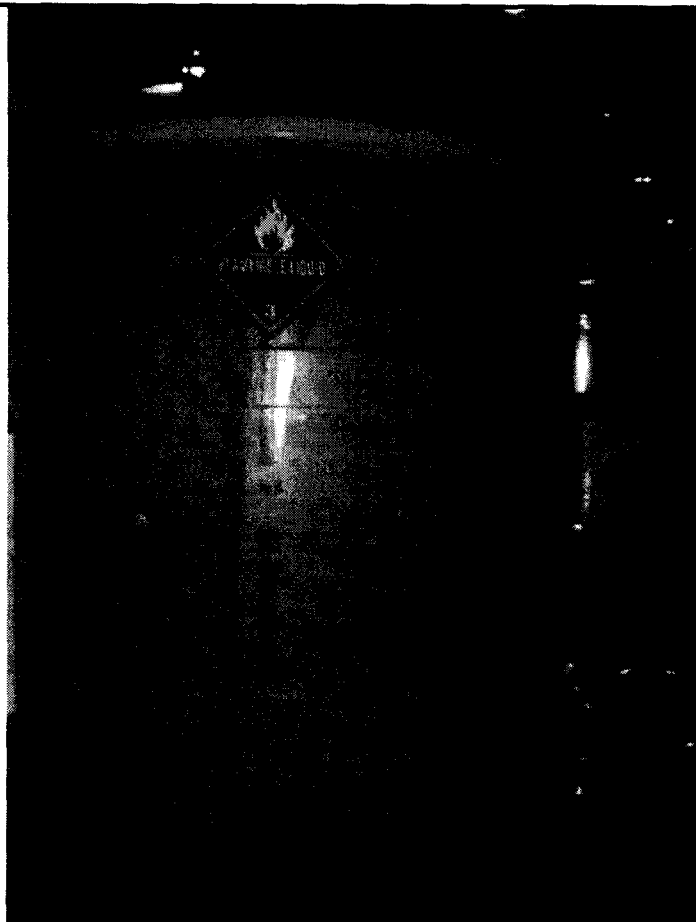
November 22, 2005

CITY, STATE

Bensalem, PA

PHOTOGRAPHER

Chris Michalski



**U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Enforcement
Photograph Summary**

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Pipeline and Hazardous Materials Safety Administration
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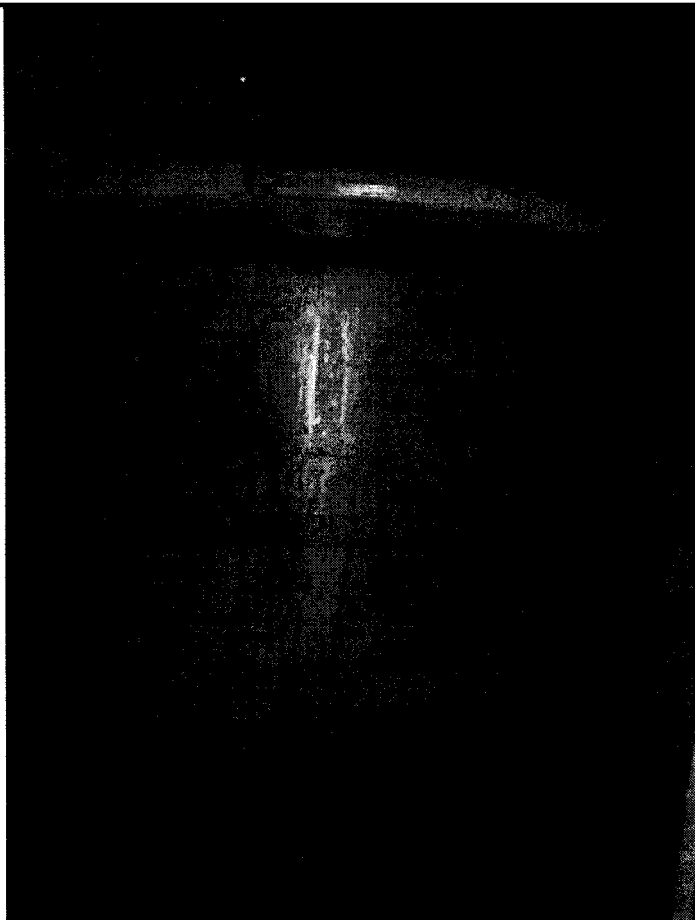
November 22, 2005

CITY, STATE

Bensalem, PA

PHOTOGRAPHER

Chris Michalski



**U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Enforcement
Photograph Summary**

LOCATION

G&A Warehouses, Inc.

PHOTOGRAPH DATE

November 22, 2005

CITY, STATE

Bensalem, PA

PHOTOGRAPHER

Chris Michalski



**U.S Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Enforcement
Oral Interview Form**

Inspectors Conducting Interview Name: Chris Michalski Title: Senior Hazardous Materials Enforcement Specialist Report Number: 05421078	Respondent Company: Power Line Packaging, Inc. Address: Conshohocken, PA
Person Interviewed Name: Ray Valera Title: Operations Manager Company: G&A Warehouses, Inc. City/State: Bensalem, PA	Date and Type of Interview Date: November 22, 2005 In Person: <input checked="" type="checkbox"/> Telephone: <input type="checkbox"/>

SUBSTANCE OF INQUIRY AND ANSWER GIVEN (NOT A TRANSCRIPT)

(I): Inspector, (R): Respondent

(I): Why is there a product outside these plastic drums?

(R): We received this product on behalf of Veil Corporation. We noticed that some of the drums were leaking while receiving the drums.

G&A**WAREHOUSES INC.**"YOUR TOTAL DISTRIBUTION SOLUTION"
TEL 215/639-9410 * FAX 215/639-9814

Goods listed hereon are stored in the following designated warehouse

☐ 2919 Samuel Drive
Bensalem, PA 19020☒ 3800 Marshall Lane
Bensalem, PA 19020

Page: 1

NON-NEGOTIABLE WAREHOUSE RECEIPT

THIS IS TO CERTIFY THAT WE HAVE RECEIVED

From: VEIL
Date: 4/26/2005
Batch #: 0000002182
W/H Ref. #: 32768
Container #: PO#
PO#: 031105
For Account: VEIL CORPORATION
1000 GERMANTOWN PIKE
SUTIE C-2
PLYMOUTH MEETING, PA 19462

G & A WAREHOUSES, INC.

claims a lien for all lawful charges for storage and preservation of the goods; also for all lawful claims for money advanced, interest, insurance, transportation, labor, weighing, cooperating and other charges and expenses in relation to such goods and for the balance on any other accounts that may be due. The property covered by this receipt has not been insured by this Company for the benefit of the depositor against fire or any other casualty.

The goods listed hereon in apparent good order, except as noted herein (contents, condition and quality unknown). SUBJECT TO ALL TERMS AND CONDITIONS INCLUDING LIMITATION OF LIABILITY HEREIN AND ON THE REVERSE HEREOF. Such property to be delivered to THE DEPOSITOR upon the payment of all storage, handling and other charges. Advances have been made and liability incurred on these goods as follows:

*** See Invoice For Charges ***

SAID TO BE OR CONTAIN

Notes: PRODUCT RECEIVED LEAKING. TOPS NOT SECURED, 4 DRUMS HAVE NO LABELS ON THEM//DRUMS RECEIVED DIRTY./ADDITIONAL 3 HR LABOR CHARGE WILL APPLY @ 31.00 PER HOUR.

Customer Lot	UOM	Commodity/Description	Qty	Weight	Pallets	Damages
H328	EA	OTTOPOL BR17	18	7,920	5	0
NO LABEL	EA	OTTOPOL BR17	4	1,760	1	0
TOTALS FOR LOAD:		1 SKU(s) 22 Quantity will be billed	22	9,680	6	0

NO DELIVERY WILL BE MADE ON THIS RECEIPT
EXCEPT ON WRITTEN ORDER
TERMS: NET CASH PAYABLE UPON PRESENTATION.

R.05.025

WE THANK YOU FOR THE OPPORTUNITY TO SERVE YOU!

G & A WAREHOUSES, INC. - AUTHORIZED SIGNATURE

U.S. DOT/PHMSA/OHME/EASTERN
REPORT # 05421078
EXHIBIT # 7
PAGE 1 OF 3

32768

G&A**WAREHOUSES INC.****ITEMS RECEIVED**2182
2792MARSHALL
Warehouse

Customer Name: VEIL Corp	Received From:	PO Number: 031105	Date Received: 3-11-05
Carrier: Penn Transport	PRO#	Container#	Received By: Jerome Hill

Product Description:	LOT Number	Unit Wt.	Pallets	Units/Pallet	Damaged	Total Qty Received	Total Net Weight	COA Received	Location
Ottopole BR-17	H-328	440lbs	1	4		4		Yes / No	FL 38A00
↓	↓	↓	1	4		4		Yes / No	FL
			1	4		4		Yes / No	FL
			1	4		4		Yes / No	FL
			1	2		2		Yes / No	FL ↓
NO LABEL	N/A	-	1	4		4		Yes / No	38A00
								Yes / No	
								Yes / No	
								Yes / No	
								Yes / No	
								Yes / No	

Total Pallets Received:

6

Total Units Rcvd:

22

Product Stacked:

Detail Extra Labor and Material (to be invoiced):

PALLETS HAD to be REPLACED, Drums Leaking.
Tops not secured on tight, 4 Drums no Labels.
Every Drum Very Dirty.

3 hrs. for
LABOR
CHARGES on
ACCT.

Office CSR

Total Charge Invoiced

\$269.00

9300

U.S. DOT/PHMSA/OHME/EASTERN
REPORT # **05121070**
EXHIBIT # **2 of 3**
PAGE

32768

G&A

WAREHOUSES INC.

ITEMS RECEIVED

2182

2792

MARSHALL
Warehouse

Customer Name: <u>VEIL Corp</u>	Received From:	PO Number: <u>031105</u>	Date Received: <u>3-11-05</u>
Carrier: <u>Penn Transport</u>	PRO#	Container#	Received By: <u>Gerome Hill</u>

Product Description:	LOT Number	Unit Wt.	Pallets	Units/Pallet	Damaged	Total Qty Received	Total Net Weight	COA Received	Location
Ottopol BR-17	H-328	440/lbs	1	4		4		Yes / No	FL 38A00
↓	↓	↓	1	4		4		Yes / No	FL
			1	4		4		Yes / No	FL
			1	4		4		Yes / No	FL
			1	2		2		Yes / No	FL
NO LABEL	N/A	-	1	4		4		Yes / No	FL
								Yes / No	38A00
								Yes / No	
								Yes / No	
								Yes / No	
								Yes / No	
								Yes / No	

Total Pallets Received:

6

Total Units Rcvd:

22

Product Stacked:

Detail Extra Labor and Material (to be invoiced):

PALLETS HAD to be replaced, Drums leaking & not secured on tight, 4 Drums no labels. Every Drum Very Dirty.

3 hrs. for
LABOR
CHARGES ON
ACCT.

Office CSR

Total Charge Invoiced

4269.00

U.S. DOT/PHMSA/HOME/EASTERN
REPORT # 031105
EXHIBIT # 7
PAGE 3 OF 3

Pen Transport

Shipper No. 051105

Carrier No.

Date 3/11/05

Carrier No. 3111/05		Date 3/11/05	
On Collect on Delivery shipments, the addressee's name must appear before consignee's name.		FROM: Peri Corp	
Street 3800 Marshall Lane		Shipper's Name Peri Corp	
City Bensalem, PA		Street 	
State PA		City Plymouth, PA	
Zip Code 19000		Zip Code 	
Description of Articles 6 X Skids (drums)		Vehicle Number 	
Special Marks and Exceptions 		Weight (Subject to Correction) 10,000 lbs	
Rate 		Charges 	
Total Charges 		Freight Prepaid 	
Total Charges 		Freight Prepaid 	

**U.S Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Enforcement
Oral Interview Form**

Inspectors Conducting Interview Name: Chris Michalski Title: Senior Hazardous Materials Enforcement Specialist Report Number: 05421078	Respondent Company: Power Line Packaging, Inc. Address: Conshohocken, PA
Person Interviewed Name: Lisa Johannigsmeier Title: President Company: Power Line Packaging, Inc. City/State: Conshohocken, PA	Date and Type of Interview Date: December 6, 2005 In Person: <input checked="" type="checkbox"/> Telephone: <input type="checkbox"/>

SUBSTANCE OF INQUIRY AND ANSWER GIVEN (NOT A TRANSCRIPT)

(I): Inspector, (R): Respondent

(I): What is the nature of you business with Veil Corporation?

(R): Veil contracted us to blend and package some products for them. We mixed the product under the directions from Robert Rosania, the owner of Veil. There was not enough activity for us to stay involved, and the drums were taking up too much space here. After several months, we asked Mr. Rosania to find someone else to do the mixing for him, and to remove the drums from our facility.

(I): How were the drums shipped from here?

(R): Mr. Rosania took care of the arrangements.

(I): Who loaded the trucks that picked up Veil's materials?

(R): I do not recall all of the details, but I am sure that in both cases our employees assisted in putting the pallets on the truck.

(I): Did you prepare any hazardous materials shipping papers?

(R): The bills of lading I gave you.

(I): Were your employees provided with any DOT hazmat training, to include the general awareness, function specific and security training?

(R): No.

**U.S Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Enforcement**

(I): What about safety training?

(R): Yes, we did the spill response and right to know training with all of our employees.

(I): When was the last time you conducted that training?

(R): In April 2001.

(I): Did you generate any record of that training?

(R): No.

(I): Whose telephone number do you use as the emergency response number on your shipping papers?

(R): It is Chemtrec's number.

(I): Do you have a contract with Chemtrec to provide emergency response services on your behalf?

(R): No.

(I): Did you prepare a hazmat security plan for this location?

(R): No.

(I): Are you registered with DOT as a shipper of hazardous materials?

(R): No.

THIS MEMORANDUM

is an acknowledgement that a Bill of Lading has been issued and is not the Original Bill of Lading, nor a copy or duplicate, covering the property named herein, and is intended solely for filing or record.

Shipper's No. ExchangeCarrier's Name: Ward House

Carrier's No. _____

RECEIVED, subject to the classifications and tariffs in effect on the date of the issue of this Bill of lading,

at _____ (Date) FROM _____

the property described below, in apparent good order, except as noted (contents and condition of contents of packages unknown), marked, consigned, and destined as shown below, which said company (the word company being understood throughout this contract as meaning any person or corporation in possession of the property under the contract) agrees to carry to its usual place of delivery at said destination, if on its own railroad, water line, highway route or routes, or within the territory of its highway operations, otherwise to deliver to another carrier on the route to said destination. It is mutually agreed as to each carrier of all or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the terms and conditions of the Uniform Domestic Straight Bill of Lading set forth (1) in the Uniform Freight Classification in effect on the date hereof, if this is a rail or rail-water shipment, or (2) in the applicable motor carrier classification or tariff if this is a motor carrier shipment. Shipper hereby certifies that he is familiar with all the terms and conditions of the said bill of lading, including those on the back thereof, set forth in the classification or tariff which governs the transportation of this shipment, and the said terms and conditions are hereby agreed to by the shipper and accepted for himself and his assigns.

(Mail or street address for purposes of notification only.)

Consigned TO Ward House

On Collect on Delivery Shipments, the letters "COD" must appear before consignee's name or as otherwise provided in Item 430, Sec. 1.

Destination _____ Street _____ City _____

County _____ State _____ Zip _____

Route _____ Delivery Address ★ _____

(*To be filled in only when shipper desires and governing tariffs provide for delivery thereat.)

Delivering Carrier _____ Car or Vehicle Initials and No. _____

Collect on Delivery \$ _____ And Remit to _____

Street _____ City _____ State _____

No. Packages	H.M.	Kind of Package, Description of Articles, Special Marks, and Exceptions	*Weight (Subject to Correction)	Class or Rate	Check Column
5		SKIDS Drums Veil Product	8000*		

*If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is carrier's or shipper's weight.
NOTE — Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property.

The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding _____

per

Permanent post-office address of shipper, _____

Shipper, Per _____

Agent _____

Per _____

Subject to Section 7 of conditions, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statement:

The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

(Signature of consignor)

C. O. D. Charges to be

Paid by

☐ Shipper ☐ Consignee

If charges are to be prepaid, write or stamp here, "To be Prepaid."

Received \$ _____ to apply in prepayment of the charges on the property described hereon.

Agent or Cashier _____

Per _____
(The signature here acknowledges only the amount prepaid.)

Charges Advanced.

\$ _____
*The fibre containers used for this shipment conform to the specifications set forth in the box maker's certificate thereon, and all other requirements of Rule 41 of the Uniform Freight Classification and Rule 5 of the National Motor Freight Classification.
†Shipper's imprint in lieu of stamp; not a part of bill of lading approved by the Interstate Commerce Commission.

U.S. DOT/PHMSA/OHME/EASTERN
REPORT # 05421078
EXHIBIT # 10
PAGE 1 OF 1

JIVICP.O. Box 5157, Delanco, NJ 08075
PHONE (800) 257-0427

12/15/03	hutchins	COLLECT
DRIVER	TRAILER #	DOOR
MARTIN MEIX	250245	50

PRO #	PICKUP DATE	BOL #	PO #	REF #	PAGE
116721945	12/15/03	833	VEIL031104		1 OF 1

CONSIGNEE: POWER LINE PACKAGING
1304 CONSHOHOCKEN RD.
CONSHOHOCKEN, PA 19428
(610) 239-7088

1612

DELIVER ON (B/L)
Appt Date: 12/16/03*****
RECEIVING HOURS ARE:
MON-FRI 0000-1600SHIPPER: GELLNER & CO
151 TIDE RD
HOMETOWN, PA 18252
(570) 668-8800

PIECES	HANDLING UNIT	DESCRIPTION	WGT IN LBS	ADDITIONAL INFORMATION
21	DRUM(S)	HAZARDOUS MATERIAL SHIPPED EMERGENCY NUMBER 570-668-8800 ISOPROPYL ALCOHOL 3, UN1219, PGII, ISOBUTANOL 3, UN1212, PGII, PM GLYCOL ETHER, 3, UN1993, PGII	8605	*PRO : 116721945
3	DRUM(S)	EMPTY PLASTIC DRUMS NO FRT IS TO BE STACKED ON TOP OF C FRT!!!!	75	
24	((- - - - -))	TOTALS	8680	

SIGNATURE

PRINT
LAST NAME*Anthony*
A A T E L

DRIVERS NAME

LP COPY

DATE

U.S. DOT/PHMSA/OHME/EASTERN
REPORT # 05121078
EXHIBIT # 11
PAGE 1 OF 2



OTTOPOL POLYMERS

Gellner & Company

PO Box 208 ∞ Tamaqua, PA 18252

105 Tide Road ∞ Hometown, PA 18252

water based industrial polymers

Packing Slip

Ship To:

Power Line Packaging, Inc.

1304 Conshohocken Road

Conshohocken PA 19428

Date-----Monday, December 15, 2003

Time-----9:37 AM

Product Name ----- Ottopol BR-17

Ottopol Lot Number ----- H-328

Customer P.O. Number ----- Veil031104

Quantity Drums ----- 24

Quantity lbs. (Net)lbs.-----8,080

Customer Code----- none

Ottopol Ship Date----- 12/15/03

Delivery Date Wanted----- 12/16/03

Ship Via -----Jevic

U.S. DOT/PHMSA/OHME/EASTERN
REPORT # 05421078
EXHIBIT # 211
PAGE 2 OF 2

THIS SHIPPING ORDER must be legibly filled in, in ink, in Indelible Pencil, or in Carbon, and retained by the Agent.

Shipper's No. Exchange

Carrier's Name: Warr house

Carrier's No. _____

RECEIVED, subject to the classifications and tariffs in effect on the date of the issue of this Bill of Lading.

at _____ (Date) _____ FROM _____
the property described below, in general good order, except as noted, contents and condition of contents of packages unknown, marked, consigned, and destined as shown below, which said company, the word company being understood throughout the contract, is a person or corporation in possession of the property under the contract, agrees to carry the same to the place of delivery, if said destination is on its own railroad, water line, highway, route or route, or within the territory of its highest dependence, otherwise to deliver to another carrier on the route to said destination. It is mutually agreed that the carrier shall be responsible for all loss or damage to the property or said route to destination, and as to each party, any time interest in all property of said property that may be performed hereunder shall be subject to all the terms and conditions of the Uniform Domestic Freight Bill of Lading set forth in the Uniform Freight Classification in effect on the date hereof. If this is a bill of lading for a shipment of (1) in the applicable motor carrier classification or (2) in the applicable motor carrier classification or tariff, this is a motor carrier shipment. Shipper hereby certifies that he is familiar with all the terms and conditions of the said bill of lading, including those on the back thereof, set forth in the classification or tariff which governs the transportation of this shipment, and the said terms and conditions are hereby agreed to by the shipper and accepted for himself and his assigns.

Consigned TO Warr house

(Mail or street address for purposes of notification only.)

Subject to Section 2 of conditions, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statement:
The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

Destination _____ Street _____ City _____
County _____ State _____ Zip _____
Route _____ Delivery Address _____

(*To be filled in only when shipper desires and governing tariffs provide for delivery thereat.)

Delivering Carrier _____ Car or Vehicle Initials and No. _____

Collect on Delivery \$ _____ And Remit to _____

(Signature of consignor.)
C. O. D. Charges to be Paid by
☐ Shipper ☐ Consignee

If charges are to be prepaid, write or stamp here, "To be Prepaid."

No. Packages	H.M.	Street	City	State
Kind of Package, Description of Articles, Special Marks, and Exceptions				
		Weight (Subject to Correction)		Class or Rate
		Check Column		
5		skids Drums Veil Product	8000*	

Received \$ _____ to apply in prepayment of the charges on the property described hereon.

Agent or Cashier

Per _____
(The signature here acknowledges only the amount prepaid.)

Charges Advanced:

\$ _____
*The fibre containers used for this shipment conform to the specifications set forth in the box maker's certificate thereon, and all other requirements of Rule 41 of the Uniform Freight Classification and Rule 5 of the National Motor Freight Classification.
Shipper's imprint in lieu of stamp; not a part of bill of lading approved by the Interstate Commerce Commission.

*If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is carrier's or shipper's weight.
NOTE: - Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property.

The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding _____ per _____

Shipper's Pay

Permanent post-office address of shipper, _____

Agent must detach and retain this Shipping Order and must sign the Original Bill of Lading.

2

U.S. DOT/PHMSA/OHME/EASTERN
REPORT # 05421078
EXHIBIT # 12
PAGE 1 OF 1



SALES ORDER
IN CASE OF EMERGENCY CALL CHEMTREC
DAY OR NIGHT 1-800-424-9300

CUSTOMER'S DELIVERY RECEIPT

CHEMCENTRAL/PITTSBURGH 3000 CASTEEL DRIVE CORAOPOLIS PA 15108
(888)716-1122 Fax (770)446-8922

ACCOUNT NUMBER

ACCOUNT NUMBER

ORDER DATE 01/07/04

756812 50612 ORDER NO. 1759504 S3

POWER LINE PACKAGING
1304 CONSHOHOCKEN
CONSHOHOCKEN PA 19428

610-292-1900 JOHN

SHIP TO
LOADER

CHECKER

DRIVER

5:10:12
ATMLS 63 058

CHECK WITH ORDER		CUSTOMER PURCHASE ORDER NO. RSC0105	Pg 1
POINT DESTINATION UNLESS OTHERWISE NOTED FOB Ship Point - Prepaid		SHIPPED VIA OUR TRUCK UNLESS OTHERWISE NOTED PITTSBURGH CHICAGO FEDER FREIGHT EAST CHICAGO	SHIP DATE 01/13/04

CONTAINERS	HM	DESCRIPTION	QUANTITY	LOCATION	PICKED
1 DS	X	ISOBUTANOL 3, UN 1212, PG III GUIDE 129 ISOBUTYL ALCOHOL LIQ 365 LBS EACH 165 D55 Drum included Lot #: 15121702-04	365 LB	C1 C3	

81 DAVE WEST
PPD PER DAVE WEST
OK TO SHIP FROM 063 PER DIANE

I have received the material and the material safety data sheets for the products listed on this Sales Order.

Signed _____

End of Sales Order

U.S. DOT/PHMSA/OHME/EASTERN
REPORT # 05421078
EXHIBIT # 13
PAGE 1 OF 1

WARRANTY: All products are sold without warranty of any kind and purchasers will, on their own tests, determine suitability of such products for their own use.

Shipper Certification

I certify that the above named materials are properly classified, described, packaged, marked and labeled, and in proper condition for transportation, according to the applicable regulations of the Department of Transportation.

Shipper's Signature

RECEIVED THE ABOVE MERCHANDISE IN GOOD ORDER

CUSTOMER'S SIGNATURE

NO CLAIMS FOR LOSS, DAMAGE OR LEAKAGE ALLOWED AFTER DELIVERY IS MADE IN GOOD CONDITION TO WAREHOUSE OR RAILROAD DEPOT.



SALES ORDER
IN CASE OF EMERGENCY CALL CHEMTREC
DAY OR NIGHT 1-800-424-9300

CUSTOMER'S DELIVERY RECEIPT

CHEMCENTRAL/PHILADELPHIA 4 STEEL ROAD EAST MORRISVILLE PA 19067
(888)716-1122 Fax (770)446-8922

ACCOUNT NUMBER

ACCOUNT NUMBER

ORDER DATE 01/07/04

756812 50612 ORDER NO. 1759475 53

POWER LINE PACKAGING
1304 CONSHOHOCKEN RD
CONSHOHOCKEN PA 19428

SHIP TO

LOADER

CHECKER

DRIVER

15:42:06
ATMLS 58 051

AS

CUSTOMER PURCHASE ORDER NO.

CHECK WITH ORDER

RSC0105

8. POINT DESTINATION UNLESS OTHERWISE NOTED

SHIPPED VIA OUR TRUCK UNLESS OTHERWISE NOTED

Pg 1
SHIP DATE

FOB Ship Point Prepaid

01/12/04

CONTAINERS	HM	DESCRIPTION	QUANTITY	LOCATION	PICKED
1 D5		METHYL ETHYL KETONE 3, UN 1193, PG II GUIDE 127 METHYL ETHYL KETONE LIQ 370 LBS EACH 180 D55 Drum Included Lot #: 58010904261	370 LB	004 009	
1 EA		FUEL SURCHARGE - U.S. CUST. 992010 Freight/Handling/Misc. Lot #:	1 EA		

DEA Precursor Item: Check Customer File for Signature
.60DAVE WEST

I have received the material and the material safety data sheets for the products listed on this Sales Order.

Signed John V...

End of Sales Order

U.S. DOT/PHMSA/OHME/EASTERN
REPORT # 05421078
EXHIBIT # 14
PAGE 1 OF 1

IMPORTANT: All products are sold without warranty of any kind and purchasers will, their own tests, determine suitability of such products for their own use.

Shipper Certification

is to certify that the above named materials are properly classified, described, packaged, marked and labeled, and in proper condition for transportation, according to the applicable regulations of the Department of Transportation.

Shipper's Signature

RECEIVED THE ABOVE MERCHANDISE IN GOOD ORDER

CUSTOMER'S SIGNATURE

NO CLAIMS FOR LOSS, DAMAGE OR LEAKAGE ALLOWED AFTER DELIVERY IS MADE IN GOOD CONDITION TO WAREHOUSE OR RAILROAD DEPOT.



SALES ORDER
IN CASE OF EMERGENCY CALL CHEMTREC
24 HOUR TELEPHONE NUMBER
1-800-424-9300

CUSTOMER'S DELIVERY RECEIPT

DOOR

HEMCENTRAL/PHILADELPHIA 4 STEEL ROAD EAST MORRISVILLE PA 19067
888)716-1122 Fax (770)446-8922

PAGE

ACCOUNT NUMBER

ACCOUNT NUMBER

ORDER DATE 11/10/04

756812 50612 ORDER NO. 20826

POWER LINE PACKAGING
1304 CONSHOHOCKEN
CONSHOHOCKEN PA 19428

610-292-1900 JOHN

LOADER

DRIVER

13:39:18
ATMLS 56

Credit Card Payment

CUSTOMER PURCHASE ORDER NO.
VL111004

Pg 1

NOT DESTINATION UNLESS OTHERWISE NOTED.

SHIPPED VIA OUR TRUCK UNLESS OTHERWISE NOTED

SHIP DATE

OB Ship Point - Prepaid

11/17/04

CONTAINERS	HM	DESCRIPTION	QUANTITY	LOCATION	PICKED
called in		by dave west			
	X	N-PROPANOL			
		3, UN 1274, PG III			
		GUIDE 129			
1 DS		N PROPYL ALCOHOL LIQ	365 LB	OD1	
		365 LBS EACH			
		203 D55			
		Drum Included			
		Lot #: 58101304263			
194DW					
1 EA		FUEL SURCHARGE - U.S. CUST.	1 EA	INVALID	
		992010			
		Freight/Handling/Misc.			
		Lot #:			
customer		paid by credit card \$363.10			
customer		paid by credit card \$363.10			
customer		paid by credit card \$363.10			
customer		paid by credit card \$363.10			
customer		paid by credit card \$363.10			
have received the material and the material safety data sheets for the products listed on this Sales Order.					
Signed _____					
End of Sales Order					
U.S. DOT/PHMSA/OHME/EASTERN					
REPORT # 05421078					
EXHIBIT # 19					
PAGE 1 OF 1					

All products are sold without warranty of any kind and purchasers will, tests, determine suitability of such products for their own use.

Shipper Certification

that the above named materials are properly classified, described, packaged, marked and labeled, and condition for transportation, according to the applicable regulations of the Department of Transportation.

Signature

RECEIVED THE ABOVE MERCHANDISE IN GOOD ORDER

CUSTOMER'S SIGNATURE

NO CLAIMS FOR LOSS, DAMAGE OR LEAKAGE ALLOWED AFTER DELIVERY IS MADE IN GOOD CONDITION TO WAREHOUSE OR RAILROAD DEPOT

THIS MEMORANDUM

is an acknowledgement that a Bill of Lading has been issued and is not the Original Bill of Lading, nor a copy or duplicate, covering the property named herein, and is intended solely for filing or record.

Shipper's No. 0001Carrier's Name: Voipe

Carrier's No. _____

RECEIVED, subject to the classifications and tariffs in effect on the date of the issue of this Bill of lading.

at Conshohocken, Pa. (Date) 5/26/05 FROM Power Line Packaging

the property described below, in apparent good order, except as noted (contents and condition of contents of packages unknown), marked, consigned, and destined as shown below, which said company (the word company being understood throughout this contract as meaning any person or corporation in possession of the property under the contract) agrees to carry to its usual place of delivery at said destination, if on its own railroad, water line, highway route or routes, or within the territory of its highway operations, otherwise to deliver to another carrier on the route to said destination. It is mutually agreed, as to each carrier of all or any of said property, over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the terms and conditions of the Uniform Domestic Straight Bill of Lading set forth (1) in the Uniform Freight Classification in effect on the date hereof, if this is a rail or rail-water shipment, or (2) in the applicable motor carrier classification or tariff if this is a motor carrier shipment. Shipper hereby certifies that he is familiar with all the terms and conditions of the said bill of lading, including those on the back thereof, set forth in the classification or tariff which governs the transportation of this shipment, and the said terms and conditions are hereby agreed to by the shipper and accepted for himself and his assigns.

(Mail or street address for purposes of notification only.)

Consigned TO Vail

On Collect on Delivery Shipments, the letters "COD" must appear before consignee's name or as otherwise provided in Item 430, Sec. 1.

Destination _____ Street _____ City _____

County _____ State _____ Zip _____

Route _____ Delivery Address ★

(*To be filled in only when shipper desires and governing tariffs provide for delivery thereat.)

Delivering Carrier _____ Car or Vehicle Initials and No. _____

Collect on Delivery \$ _____ And Remit to _____

Subject to Section 7 of conditions, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statement:

The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

(Signature of consignor.)

C. O. D. Charges to be

Paid by

☐ Shipper ☐ Consignee

If charges are to be prepaid, write or stamp here, "To be Prepaid."

Received \$ _____ to apply in prepayment of the charges on the property described hereon.

Agent or Cashier

Per _____
(The signature here acknowledges only the amount prepaid.)

Charges Advanced:

1 "The fibre containers used for this shipment conform to the specifications set forth in the box maker's certificate thereon, and all other requirements of Rule 41 of the Uniform Freight Classification and Rule 2 of the National Motor Freight Classification."
2 Shipper's imprint in lieu of stamp not a part of bill of lading approved by the Interstate Commerce Commission.

*If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is carrier's or shipper's weight.
NOTE — Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property.

The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding

Shipper, Per _____

Agent _____

Permanent post-office address of shipper, _____

Per _____

3

U.S. DOT/PHMSA/OHME/EASTERN
REPORT # 05421078
EXHIBIT # 16
PAGE 1 OF 1

3-PART STOCK FORM NO. B-3876

FREIGHT BILL OF LADING - SHORT FORM

ORIGINAL - NOT NEGOTIABLE

Shipper's No. 23138

Carrier's Name: CH Robinson

Carrier's No.

RECEIVED, subject to the classifications and tariffs in effect on the date of the issue of this Bill of lading,

at Conshohocken, Pa. (Date) 11/11/05 FROM Power Lione Packaging

The property described below, in apparent good order, except as noted (contents and condition of contents of packages unknown), marked, consigned, and destined as shown below, which said company (the word company being understood throughout this contract as meaning any person or corporation in possession of the property under the contract) agrees to carry to its usual place of delivery at said destination, if on its own railroad, water line, highway route or route, or within the territory of its highway operations, otherwise to deliver to another carrier on the route to said destination. It is mutually agreed, as to each carrier of all or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the terms and conditions of the Uniform Domestic Freight Bill of Lading set forth (1) in the Uniform Freight Classification in effect on the date hereof, if this is a rail or rail-water shipment, or (2) in the applicable motor carrier classification or tariff if this is a motor carrier shipment. Shipper hereby certifies that he is familiar with all the terms and conditions of the said bill of lading, including those on the back thereof, set forth in the classification or tariff which governs the transportation of this shipment, and the said terms and conditions are hereby agreed to by the shipper and accepted for himself and his assigns.

(Mail or street address for purpose of notification only.)

Consigned TO Statesville Distribution Elmer's Products Inc

On Collect on Delivery Shipments, the letters "C.O.D." must appear before consignee's name or as otherwise provided in item 430, Sec. 1.

Destination 121 Anna Drive Street Statesville, NC City

County

State

28625-8743 Zip

Route

Delivery Address

(*To be filled in only when shipper desires and governing tariffs provide for delivery thereat.)

Delivering Carrier Car or Vehicle Initials and No.

Collect on Delivery \$ And Remit to

Emergency# 800-424-9300

City

State

No. Packages	H.M.	Kind of Package, Description of Articles, Special Marks, and Exceptions	Weight (Subject to Correction)	Class or Rate	Check Column
26	x	Adhesive 3, UN1133, PG II ERG1283 Elmer's Rubber CEment in Gallons Pints. 4oz	36,000		

*If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is carrier's or shipper's weight.
NOTE - Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property.

The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding

per

Shipper, Per

CHEETAH

Agent

SOUTH HORNCLIFF

Permanent post-office address of shipper.

Per

C2663702

1

Subject to Section 7 of conditions, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statement.
The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

Collect

(Signature of consignor.)

C. O. D. Charges to be

Paid by

☐ Shipper ☐ Consignee

If charges are to be prepaid, write or stamp here: "To be Prepaid."

Received \$ _____ to apply in prepayment of the charges on the property described hereon.

Agent or Cashier

Per _____
(The signature here acknowledges only the amount prepaid.)

Charges Advanced:

\$ _____
*The fibre containers used for this shipment conform to the specifications set forth in the box maker's certificate thereon, and all other requirements of Rule 41 of the Uniform Freight Classification and Rule 5 of the National Motor Freight Classification.
*Shipper's imprint in lieu of stamp, not a part of bill of lading approved by the Interstate Commerce Commission.

U.S. DOT/PHMSA/OHME/EASTERN
REPORT # 05421078
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